PART IV—SECTION 2-A

KARNATAKA BILLS AND REPORTS OF SELECT COMMITTEES THEREON

NOTIFICATION

No. 11659—L.A., Bangalore, dated 1st February 1975.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Karnataka Legislative Assembly, the Speaker has been pleased to order the publication in the *Karnataka Gazette* of the **Karnataka Civil Services (Revision of Pay of certain Categories of Posts) Bill 1975** together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

Te. HANUMANTHAPPA
Secretary.

THE KARNATAKA CIVIL SERVICES (REVISION OF PAY OF CERTAIN CATEGORIES OF POSTS) BILL, 1975.

(L. A. Bill No. 3 of 1975)

A Bill to revise the scale of pay of certain categories of posts in the Department of Industries and Commerce of the State Government.

Whereas by the Karnataka Civil Services (Revised Pay) Rules, 1970, revised scales of pay to several categories of posts specified in the Schedule to the said rules were fixed;

And whereas in the said rules the revised scale of pay of the post of Shop Assistant (Common Facility Centre) for heat treatment (Machine Operator, Fitter, Electrician-**cum**-Machine Operator, Welder-**cum**-heat treatment Operator) is specified as Rs. 175—10—275—15—350—EB 20—450;

And whereas the intention of the State Government was that in respect of the said post, the said revised scale of pay should be admissible to Diploma Holders only and that in the case of Non-Diploma Holders the revised scale of pay should be Rs. 120—5—150—8—190—EB—10—240;

And whereas sanction was accordingly accorded in G.O. No. FD 117 SRP(1) 71, dated 9th July, 1971 to the revised scale of pay of Rs. 120—5—150—8—180—EB—10—240 with effect from 1st January, 1970 to the said posts in the case of Non-Diploma holders;

And whereas in W.P. 2383 of 1972 the High Court of Karnataka has held that the said Government Order is in conflict with the said Rules made by the Governor of Karnataka under the proviso to Article 309 of the Constitution of India and has, therefore, directed the payment of pay in the scale of Rs. 175—10—275—15—350—EB—20—450 to the petitioner;

And whereas it was never the intention of the State Government to give the said pay to Non-Diploma Holders holding the said posts;

Be it enacted by the Karnataka State Legislature in the Twenty-sixth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Karnataka Civil Services (Revision of Pay of certain Categories of Posts) Act, 1975.

(2) It shall be deemed to have come into force on the Eleventh day of December, 1974.

2. **Revision of pay of certain Categories of posts of State Civil Services.**—(1) Notwithstanding anything contained in the Schedule to the Karnataka Civil Services (Revised Pay) Rules, 1970, the revised scale of pay of the posts of Shop Assistant (Common Facility Centre) for heat treatment (Machine Operator, Fitter, Electrician-cum-Machine Operator, Welder-cum-heat treatment Operator) in the Department of Industries and Commerce of the State Government shall, in the case of non-diploma holders be Rs. 120-5-150-8-190-EB-10-240 with effect on and from the first day of January, 1970. The said revised scale of pay shall be subject to such further revision as the Governor may, from time to time make by rules under Article 309 of the Constitution.

(2) Subject to the provisions of sub-section (1), all the other provisions of the Karnataka Civil Services (Revised Pay) Rules, 1970 shall apply in all respects to the said revised scale of pay.

3. **Validation.**—Notwithstanding any judgment, decree or order of any court any action taken to fix the pay of non-diploma holders holding the post of Shop Assistant (Common Facility Centre) for heat treatment (Machine Operator, Fitter, Electrician-cum-Machine Operator, Welder-cum-heat treatment Operator) in the scale of Rs. 120-5-150-8-190-EB-10-240 shall be deemed to have been validly taken.

4. **Repeal of the Karnataka Ordinance No. 12 of 1974.**—The Karnataka Civil Services (Revision of Pay of certain Category of Posts) Ordinance, 1974 (Karnataka Ordinance No. 12 of 1974) is hereby repealed :

Provided that anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

By the Karnataka Civil Services (Revised Pay) Rules, 1970 the scales of pay to several categories of posts specified in the Schedule to the said rules were revised. In the said Rules, a uniform pay scale of Rs. 175-10-275-15-350-EB-20-450 has been shown for a number of categories of posts including Shop Asistants, Common Facility Centre, who are non-Diploma Holders. Textile Graduates and Diploma Holders etc., who were in receipt of a higher scale of pay of Rs. 150-320 prior to 1st January 1970 could not be equated with Industrial Training Certificate holders and non-diploma holders. The intention of Government was to give the scale of pay of Rs. 120-5-150-8-190-EB-10-240 only to non-diploma holders only. This was, by oversight, not incorporated in the Schedule to the Revised Pay Rules. Tthat this was so, was clarified in Government Order No. FD 117 SRP (1) 71, dated 9th July, 1971 wherein it was stated that in the case of non-diploma holders holding the said posts the revised scale of pay will be Rs. 120-5-150-8-190-EB-10-240 with effect from 1st January, 1970.

2. On a Writ Petition filed by one of the non-diploma Shop Assistants the High Court of Karnataka held that the said Government Order cannot override the Rules made by the Governor under the proviso to Article 309 of the Constitution of India and directed payment of pay in the scale of pay of Rs. 175-10-275-350-EB-20-450 to the petitioner.

3. Since it was never the intention of the State Government to give the said pay scale to the non-diploma holders holding the posts of Shop Assistants it was considered necessary in view of the judgment of the High Court to make a law specifying the scale of pay admissible to such persons. As both the Houses of the Legislature were not in session, an Ordinance for the purpose was promulgated. The Bill seeks to replace the Ordinance.

STATEMENT UNDER RULE 70(1) OF THE RULES OF PROCEDURE AND CONDUCE OF BUSINESS IN THE KARNATAKA LEGISLATIVE ASSEMBLY.

In Government Notification No. FD 73 SRP (1) 69, dated 16th February, 1970 the Karnataka Civil Services (Revised Pay) Rules, 1970 were issued revising the pay scales of the employees of Karnataka Government. In those rules, the scale of pay of Rs.175-10-275-15-350-EB-20-450 was indicated for certain posts which also included Shop Assistants (Common Facility Centre) with the qualification of Industrial Training Certificate, non-Diploma Holders and even Diploma Holders and Textile Graduates. The Textile Graduates and Diploma Holders were in receipt of a pay scale of Rs. 150-10-320- prior to 1st January 1970 while the non-Diploma Holders were in the scale of pay of Rs. 100-5-150-6-180-10-200. It was never the intention of Government to equate the Textile Graduate with non-Diploma Holders. Since the indication of the scale of pay was a mistake, Government accorded sanction in order No. FD 1117 SRP (1) 71, dated 9th July, 1971 to revise the scale of non-Diploma Holders to Rs. 120-5-150-8-190-EB-10-240.

Consequent on this, one of the aggrieved employees filed a Writ Petition in the High Court of Karnataka. The High Court holding that the said Government Order is in conflict with the said Rules directed the payment of pay in the scale of Rs. 175-10-275-15-350-EB-20-450.

It was never the intention of Government to give the scale of Rs. 175-450 to non-Diploma Holders. Therefore it was considered necessary to render by law the said Judgment in-effective by providing for the correct scales of pay admisisible to such persons. But as both the Houses of the

Legislature were not in session, the Karnataka Civil Services (Revision of pay of certain categories of posts) Ordinance, 1974 was promulgated lest the State was charged for contempt.

M. Y. GHORPADE

Te. HANUMANTHAPPA,
Secretary.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Hubli.

PART IV

Section -2-A

KARNATAKA BILLS AND REPORTS OF SELECT COMMITTEES THEREON

NOTIFICATION

Bangalore dated the 1st October 1975.

The following report of the Joint Select Committee on the Karnataka Municipal Corporation Bill, 1975 was presented to the Legislative Assembly and Legislative Council on 18th April 1975.

(Te. HANUMANTHAPPA)
Secretary,
Karnataka Legislature.

KARNATAKA LEGISLATURE

COMPOSITION OF THE COMMITTEE

Chairman :

Sri D. K. Naikar, Minister for Law and Municipal Administration.

Members from the Legislative Assembly

Sriyuths—

1. K. Sriramulu, Minister of State for Labour.
2. Azeez Sait.
3. C. Byre Gowda.
4. Dharm Singh.
5. Jayaprakash Shetty
6. J. L. Kabade.
7. M. M. Nadaf.
8. S. A. Patil.
9. D. Poosalingam.
10. G. Puttaswamy.
11. Raja Pid Naik.
12. M. V. Rudrappa.
13. T. R. Shamanna.
14. Subhas Patil.
15. A. M. Suryanarayana Gouda.

Members from the Legislative Council

Sriyuths—

16. L. T. Karle
17. V. S. Krishna Iyer.
18. S. C. Kubsad.
19. Smt. Octavia Albuquerque.
20. M. C. Perumal.

Representatives of the Department

Sri C. B. D'Mellow, Commissioner for Health and Municipal Administration Department.

Sri S. Vittal Rao, Deputy Secretary to Government, Health and Municipal Administration Department.

Sri K. G. Rajanna, Under Secretary to Government, Health and Municipal Administration Department.

Representative of the Department of Law and Parliamentary Affairs

Sri N. D. Venkatesh, Secretary to Government, Department of Law and Parliamentary Affairs.

Sri M. L. Ramaswamy, Draftsman and **Ex-Officio** Joint Secretary to Government, Department of Law and Parliamentary Affairs.

Sri B. Nagesh Rao, Assistant Draftsman and Under Secretary to Government, Department of Law and Parliamentary Affairs.

Secretariat

Sri Te. Hanumanthappa, Secretary, Karnataka Legislature.

Sri V. B. Deshmukh, Joint Secretary, Karnataka Legislature.

Sri M. Subba Rao, Deputy Secretary, Karnataka Legislature.

Report

The Joint Select Committee which considered the Karnataka Municipal Corporations Bill, 1974 have the honour to make the following report with the Bill as amended by the Committee annexed thereto.

The Bill was introduced in the Legislative Assembly on 13th May 1974 and was published in the **Karnataka Gazette** Extraordinary on the same day **i.e.,** 13th May 1974.

The Legislative Assembly discussed the motion for consideration on 15th May 1974 and the motion for reference of the Bill to the Joint Select Committee was adopted by the Legislative Assembly on the same day, **i.e.,** 15th May 1974.

The Legislative Council discussed the motion for concurrence on 31st May 1974 and agreed with the motion on the same day.

The Committee held 27 sittings.

At the first sitting held on 2nd July 1974, the Committee held general discussion on the provisions of the Bill and also considered the programme of work of the Committee.

At this sitting, the Committee decided that a press communique may be issued inviting Institutions, Associations and organisations who were desirous of submitting their suggestions or views or of giving oral evidence on the Bill to send written memoranda for the purpose.

The Committee also decided to invite persons experienced in the administration of the Corporations, such as Mayors, Ex-Mayors, Presidents and Ex-Presidents of Municipalities, Councillors and others who were interested in the Bill to offer their views on the Bill.

The Committee visited Dharwar, Mangalore, Udipi and Mysore and heard, Mayors, Ex-Mayors, Presidents and Councillors of Municipalities and others interested in the provisions of the Bill.

The Committee visited Bombay and held discussions with the Mayor and other officers of the Bombay Municipal Corporation.

The Committee also visited Madras and held discussions with the Administrator and other officers of the Corporation as well as some of the Ex-Mayors of Madras Municipal Corporation.

The Committee further heard the Commissioners of Hubli -Dharwar and Bangalore City Municipal Corporations.

A list of persons from whom memoranda were received as also the persons who tendered evidence before the Committee is appended to the Report.

The Committee wish to express their grateful thanks to the Mayors and others for their valuable views.

The Committee considered the Bill clause by clause at their sittings held on 29th and 30th January 1975, 15th and 16th March 1975, 21st and 22nd March 1975 and 25th March 1975.

The Committee considered and adopted the Report at the sitting held on 31st March 1975 and authorised the Chairman to present the Report.

The observations of the Committee in regard to the principal changes made in the Bill are detailed in the succeeding paragraphs.

1. The Committee are of the opinion that the criteria for the formation of a Corporation should be spelt out in the Bill itself instead of leaving it to the discretion of Government. Accordingly they were of the opinion that for an area to be notified as a Corporation it should at least have a population of not less than two lakhs and that where a local authority is to be converted as a Corporation its revenue should be not less than one crore of rupees a year. The Committee were further of the opinion that where two or more local authorities are formed into a Corporation the naming of the new city should be done by Government in consultation with the local authorities concerned.

2. As regards the number of members of a Corporation the Committee were of the opinion that the minimum shall be 35 and the maximum 100.

3. As regards membership, the Committee are of the opinion that it should be multi member constituencies as this way it is possible for proper persons being elected.

4. The Committee are of the opinion that seats should be reserved in the Corporation for women and Labour also in addition to the Scheduled Castes and Scheduled Tribes. They have suggested that 4 seats be reserved for women and 2 seats for Labour out of 35 and that this may be increased proportionate to the increased strength of the Corporation. As regards labour seats, according to the Committee, only members of registered trade unions registered under the Trade Unions Act should be the voters and that such voters should be ineligible to vote in general constituencies.

6. The Committee are of the opinion that the term of office of the Councillors of a Corporation should be four years, extensible by Government by one more year only and that too for reasons to be recorded.

7. The Committee are of the opinion that the Councillors should declare their assets annually and that failure to do so should entail loss of membership of the Corporation. The declarations should form part of the records of the Corporation.

8. The Committee are of the opinion that it is not necessary to provide for aldermen or special Councillors or ad hoc committees.

9. The Committee are of the opinion that Standing Committee members should be elected by a system of proportional representation by means of single transferrable vote and that the Chairman of the standing committees should be elected by the Committee itself.

10. The Committee are of the opinion that the Mayor should be an **Ex-Officio** member of all the standing committees and that the Mayor should have access to all records of the Corporation. But the records obtained by the Mayor should be returned within a period of 15 days.

11. The Committee are of the opinion that the Deputy Mayor should function as Mayor if the Mayor is absent from the headquarters or is incapacitated for more than eight days and that the Deputy Mayor should also be an Ex-Officio member of all the standing committees. They are further of the opinion that the Deputy Mayor should have power to give directions to the Commissioner in the matter of preparation of the Administration and Audit reports in time.

12. The Committee are of the opinion that the Commissioner should be appointed by Government in

consultation with the Mayor; the Commissioner should ordinarily hold office for a period of three years and he should be removable by the Corporation if not less than two thirds vote for it.

13. The Committee are of the opinion that the Commissioner should simultaneously send to the Mayor copies of letters to Government.

14. The Committee are of the opinion that whenever the Commissioner felt that any resolution of the Corporation is prejudicial to the interests of the Corporation, he could seek orders of Government in the matter and until orders of Government are received he may not implement the resolution.

15. The Committee are of the opinion that there should be a Council Secretary in the Corporation who should look after the Parliamentary work of the Corporation. An Officer of the State Government not below the rank of an Assistant Commissioner should be appointed on deputation for a period of three years. He should, however, function under the general control of the Commissioner.

16. The Committee are of the opinion that the agenda for a meeting of the Corporation or Standing Committee should be prepared by the Council Secretary in consultation with the Mayor or the Standing Committee Chairman, as the case may be.

17. The Committee are of the opinion that the subject passed at a meeting should be confirmed at the next meeting.

18. The Committee are of the opinion that the Corporation should be required to submit to the Government its Administration reports before a date specified by Government after the first day of April every year.

19. The Committee are of the opinion that Government shall not take action or interfere with corporation resolutions except after issuing a notice. Similarly before a resolution or order is cancelled notice should be issued.

20. The Committee are of the opinion that the Corporation should not be superceded for more than one year extensible by six-months for reasons to be recorded in writing.

21. The Committee are of the opinion that the Government should not pass any orders against the Corporation under its revisional jurisdiction without hearing the parties concerned and that since power of revision is there there is no need to retain the provision for giving directions.

22. The Committee are of the opinion that land or other property of the Corporation may be taken over by Government only for a public purpose and must be done after consultation with the Corporation.

23. As regards taxes the Committee are of the opinion that

(i) The rate of property tax should be not less than 20 per cent and not more than 25 per cent.

(ii) There should be compulsory revision once in five years;

(iii) Exemption should be provided in the case of:—

(a) Non-grant-in-aid schools.

(b) The Central Government buildings used for Government purposes only.

(c) Places used by Philonthropic institutions approved by the Council.

(d) Offices of Labour Unions.

24. The Committee are of the opinion that the sumptuary allowance of the Mayor may be Rs. 10,000.

25. The other amendments made by the Committee either in consequential or intended to improve the position.

D. K. NAIKER,

Chairman.

Joint Select Committee

THE KARNATAKA MUNICIPAL CORPORATIONS BILL, 1975.

(Words underlined or sidelined indicate the amendments suggested by the Committee; Omissions are indicated by asterisks*).

A Bill to consolidate and amend the laws relating to the establishment of municipal corporations in the State of Karnataka.

Whereas it is expedient to consolidate and amend the laws relating to the establishment of municipal corporations in the State of Karnataka;

Be it enacted by the Karnataka State Legislature in the Twenty-sixth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. **Short title, extent and commencement.**—(1) This Act may be called the Karnataka Municipal Corporations Act 1975.

(2) It extends to the whole of the State of Karnataka.

(3) It shall come into force at once in the cities of Bangalore and Hubli-Dharwar and in other areas on such date as the Government may by notification, appoint and different dates may be appointed in respect of different areas.

2. **Definitions.**—In this Act unless the context otherwise requires,—

(1) "building" includes,—

(a) a house, out-house, stable, privy, shed, hut, wall, verandah, fixed platform, plinth doorstep and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

(b) a structure on wheels simply resting in the ground without foundations;

(c) a ship, vessel, boat, tent, and any other structure used for human habitation or used for keeping or storing any article or goods;

(2) "bye-law" means a bye-law framed by the corporation under this Act;

(3) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of a councillor or in any other elective office and "casual election" means an election held to fill a casual vacancy;

(4) "city" means any local area constituted to be a city under section 3 subject to any extension, contraction or alteration of the limits of such area that may be made under this Act;

(5) "Commissioner" means the Commissioner appointed under section 14 and includes a person appointed to act as Commissioner under section 16;

(6) "corporation" means a corporation established under this Act;

(7) "councillor" means a person who is duly * * * * * elected *** as a member of the corporation under this Act;

(8) "dangerous disease" means—

(a) anthrax, chicken pox, cholera, diptheria, enteric fever, leprosy, measles, plague, pulmonary tuberculosis, rabies, small pox, and

(b) any other disease notified by Government under this Act;

(9) "drain" includes a house drain, sewer, tunnel, pipe, ditch, gutter or channel and any cistern, flush-tank, septic tank, or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, rain water, or sub-soil water and any culvert, ventilation shaft or pipe or other appliance of fitting connected

therewith, and any ejectors, compressed air mains, sealed sewage mains and special mechinary or apparetus for raising, collecting expelling or removing sewage or offensive matter from any place ;

(10) "essential services" means services in which any municipal officer, servant, or other person is employed by or on behalf of the corporation and which are specified in Schedule II ;

(11) "factory" means a factory as defined in the Factories Act, 1948 ;

(12) "filth" includes sewage, dung, dirt, swill, putrid and putrefying substances and all offensive matter ;

(13) "Government" means the State Government ;

(14) "hut" means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made ;

(15) "land" includes land which is being built upon or is built upon or covered with water, benefits to arise out of land, things attached to the earth or permanantly fastened to anything attached to the earth and rights created by law over any street ;

(16) "lay-out" means a lay-out formed by an individual or body of persons, whether incorporated or not ;

(17) "licensed plumber", "licensed surveyor" "licensed architect", "licensed engineer" and "licensed structural designer" respectively mean a person licensed by the corporation as plumber, surveyor, architect, engineer or structural designer under this Act ;

(18) "local authority" means a municipal corporation, a municipal council, notified area committee, sanitary board, city improvement board, town improvement board, taluk development board and village or town panchayat constituted under any law for the time being in force ;

(19) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for

sale, livestock, food for live-stock, meat, fish, fruit, vegetables, flowers, dung, dirt and putrid or putrifying substances other than articles of human food whatsoever with or without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place, or any other person ;

(20) " municipal authority " means a municipal authority established under this Act ;

(21) " municipal water works " means water-works belonging to or vesting in the corporation ;

(22) " nuisance " includes any act, omission, place or thing, which causes or is likely to cause injury, danger, annoyance, disturbance or offence to the scene of sight, smell or hearing or to rest or sleep or which is or may be dangerous to life or injurious to health or property ;

(23) " occupier " includes any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part and also a rent-free tenant ;

(24) "octroi" means a tax on the entry of goods into the corporation for consumption, use, or sale therein ;

(25) " offensive matter " includes animals carcasses dung, dirt and putrid or putrifying substances other than sewage ;

(26) " owner " includes the person for the time being receiving or entitled to receive whether on his own account or as agent, trustee, guardian, manager or receiver for another person or for any religious or charitable purpose the rent or profits of the property in connection with which the word is used ;

(27) " poura-karmika" means a person employed in collecting or removing filth, in cleansing drains, or slaugh-

ter-houses or in driving carts used for the removal of filth excluding night soil;

(28) "premises" includes messuages, buildings and lands of any tenure whether open or enclosed, whether built upon or not and whether public or private;

(29) "prescribed" means prescribed by rules made under this Act;

(30) "private street" means any street, road, square, court, alley, passage or riding path, which is not a "public street" but does not include a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises;

(31) "public street" means any street, road, square, court, alley, passage or riding-path over which the public have a right of way whether a thoroughfare or not and includes,—

(a) the road-way over any public bridge or causeway,

(b) the foot-way attached to any such street, public bridge or causeway, and

(c) the drains attached to any such street, public bridge or causeway,

and the land, whether covered or not by any pavement, verandah or other structure which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to the Government or the corporation;

(32) "rateable value" means the value of any building or land fixed in accordance with the provisions of this Act and the rules for the purpose of assessment to property tax;

(33) "regulation" means a regulation framed under this Act;

(34) "rubbish" includes dust, ashes, broken bricks, mortar, broken glass, garden or stable refuse and refuse of any kind which is not offensive matter or sewage;

(35) "Schedule" means a Schedule appended to this Act;

(36) "Scheduled Castes" shall have the same meaning as in the Constitution of India;

(37) "Scheduled Tribes" shall have the same meaning as in the Constitution of India;

(38) 'Sewage' means night soil and other contents of latrines, urinals, cesspools or drains and polluted water from sinks, bath-rooms, stables, cattle sheds and other like places and includes trade effluents and discharges from manufactories of all kinds;

(39) 'Sewer' means a closed conduit for carrying of sewage, offensive matter, pollutted water, waste water or sub-soil water;

(40) "street alignment" means a line dividing the land comprised in and forming part of a street from the adjoining land;

(41) "tax" includes* octroi, toll, rate, cess, fee or other impost leviable under this Act;

(42) "trade effluent" means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at the trade premises, and in relation to any trade premises means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not include domestic sewage;

(43) 'trade premises' means any premises used or intended to be used for carrying on any trade or industry;

(44) 'trade refuse' means the refuse of any trade or industry;

(45) "whole number" when used with reference to the councillors of the corporation, means the total number of councillors holding office at the time.

CHAPTER II

Establishment of Corporation

3. Establishment of Corporation, etc.—(1) The Government may, by notification, declare any local area with a population of not less than two lakhs as at the last preceding census and where such area is already having a local authority, the annual income of such local authority is not less than one crore of rupees, to be a city and establish for the said city a corporation :

Provided that—

(i) the name of the city shall, where two or more local areas formed the city, be as determined by the Government; and

(ii) no such notification shall be issued except after consulting the local authority, if any, concerned.

(2) The corporation shall be a body corporate by the name " the Corporation of the City of ....." and shall have perpetual succession and common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract and may by the said name sue and be sued.

* * * * * * *

4. Inclusion and exclusion of areas in, or from the city.—(1) The Government may, subject to the provisions of sub-section (2), by notification,—

(a) include within the limits of the city, any local area adjacent thereto ; or

(b) exclude from the limits of the city any local area comprised therein :

and every such notification shall define the limits of the local area to which it relates.

(2) No such notification shall be issued unless a draft thereof is,—

(a) published in the official Gazette for the information of all persons likely to be affected thereby inviting objections and suggestions within three months from the date of publication ; and

(b) referred to the corporation for expressing its views thereon within the period specified in clause (a).

(3) Save as otherwise provided in this Act or any other law for the time being in force, when a local area is excluded from the city,—

(i) the rights and liabilities of the coporation in such area shall vest in Government; and

(ii) Government shall, after consulting the corporation, determine what portion of the corporation fund and other property of the corporation shall vest in Government for the benefit of the inhabitants of such local area and how the liabilities of the corporation shall be apportioned between the corporation and Government.

(4) When a local area is included in the city, the provisions of this Act and all taxes, notifications, rules, bye-laws, orders, directions and powers, levied, issued, made or conferred under this Act or any other law applicable to the city shall apply to the said area from the date of inclusion of such area within the city.

5. Erection and maintenance of boundry marks.— It shall be the duty of the corporation to cause at its own cost to be erected or set up and thereafter maintain at its own cost substantial boundary marks of such description and in such position as shall be approved by the Deputy Commissioner of the revenue district having jurisdiction, defining the limits or the altered limits, as the case may be, of the city which is subject to its authority.

CHAPTER III

Municipal Authorities

* * * * *

6. Municipal Authorities.—The following shall be the municipal authorities of the corporation charged with carrying out the provisions of this Act, namely:—

(a) the corporation;

(b) the standing committees; and

(c) the Commissioner.

7. **Constitution of the Corporation.**—(1) The Government may, from time to time, by notification, determine the total number of councillors for a corporation:

Provided that such number shall be not less than thirty-five and not more than one hundred.

(2) Seats shall be reserved in the corporation for the Scheduled Castes and the Scheduled Tribes, Women and Labourers. The number of seats reserved,

(a) for the Scheduled Castes and the Scheduled Tribes shall bear, as nearly as may be, the same proportion to the total number of seats in the corporation as the population of the Scheduled Castes and the Scheduled Tribes in the city bears to the total population of the city; so however, that at least one seat shall be reserved for the Scheduled Tribes;

(b) for women and labourers of industrial establishment located in the city shall be, four and two respectively where the total number of councillors is thirty-five and where it is more than thirty-five such number as bears the same proportion to the total number:

Provided that in a city having textile mills, fifty per cent of the seats reserved for the labourers shall be assigned to labourers of such textile mills, any fraction in calculation be rounded off to the next lower figure.

(3) All the councillors shall be elected in the manner provided in this Act.

(4) The reservation for the Scheduled Castes and the Scheduled Tribes shall cease to have effect after the period specified in Article 334 of the Constitution of India:

Provided that this sub-section shall not apply to any representation in the corporation until the expiry of the term of office of the councillors then in office.

(5)Nothing contained in sub-section (2), shall be deemed to prevent the members of the Scheduled Castes and the Scheduled Tribes or Women and Labourers from standing for election to the non-reserved seats.

8. Term of office of councillors.—(1) Save as otherwise provided in this Act, the term of office of the councillors elected at a general election shall be four years, extensible by Government, by notification, for reasons to be recorded, by such period or periods not exceeding one year. The term shall commence on the date of publication of the names of councillors under section 33 or immediately after the expiry of the term of office of the outgoing councillors or the period of supersession under section 100, or the period of appointment of an administrator under section 101, whichever is later.

(2) Where the names of councillors elected are published on more than one date, the date on which the names of not less than two thirds of the total number of councillors is published shall be deemed to be the date of publication for purposes of sub-section (1).

(3) The date from which the term of office of not less than two-thirds of the total number of councillors commences under this section shall for purposes of this Act be deemed to be the date from which the corporation is duly constituted and the corporation so constituted shall be competent to exercise all the powers and perform all the functions of the corporation.

(4) If any casual vacancy occurs it shall be filled, as soon as may be, by the election of a person thereto. The person so elected shall hold office only so long as the person in whose place he is elected would have held had the vacancy not occurred :

Provided that no election to fill a casual vacancy shall be held if the vacancy occurs within four months before the expiry by efflux of time of the term of office of councillors.

9. Participation by Assembly Member.—A member of the State Legislative Assembly representing a part or whole of the city shall be entitled to attend the meetings of the corporation, take part in the proceedings thereat but

shall not have the right to vote on any subject or to contest any elected post in the corporation.

* * * * *
* * * * *
* * * * *

10. Mayor and Deputy Mayor.—(1) The corporation shall at its first meeting after a general election of councillors and at its first meeting in the same month in each year thereafter elect—

(a) one of its councillors to be the Mayor, and
(b) one other councillor to be the Deputy Mayor.

(2) The Mayor or the Deputy Mayor shall hold office for one year from the date of his election and shall, notwithstanding the expiry of the said period, continue in office till his successor is elected, provided that in the meantime he does not cease to be a councillor.

(3) The retiring Mayor or the Deputy Mayor shall be eligible for re-election.

(4) If any casual vacancy occurs in the office of the Mayor or Deputy Mayor, the corporation shall, after the occurrence of the vacancy, choose one of the councillors to fill the vacancy and every Mayor or Deputy Mayor so elected shall hold office so long as the person in whose place he is elected would but for the occurrence of the vacancy have held office.

(5) The Mayor may resign his office at any time by notice in writing addressed to the Deputy Mayor, and delivered to the Commissioner and in the absence of the Deputy Mayor addressed to the Commissioner and delivered to him.

(6) The Deputy Mayor may resign his office at any time by notice in writing addressed to the Mayor and delivered to the Commissioner and in the absence of the Mayor, addressed to the Commissioner and delivered to him.

(7) The resignation under sub-section (5) or sub-section (6) shall take effect on the date on which it is delivered.

11. Standing Committees.—(1) There shall be three standing committees of the Corporation, namely :—

(a) the standing committee for taxation and finance;
(b) the standing committee for public health; and
(c) the standing committee for works.

(2) Each standing committee shall consist of seven councillors of the corporation elected at its first meeting after the general elections and at the first meeting in the same month in each succeeding year according to the principle of proportionate representation by means of the single transferable vote.

(3) No councillor shall be a member of more than one standing committee at the same time.

(4) The Mayor and the Deputy Mayor shall ex-officio be members of all the standing committees** but they shall not have the right of voting.

(5) The term of office of the members of the standing committee shall be one year from the date of their election. A person shall cease to be a member of the standing committee if he ceases to be a councillor or if he absents himself without the permission of the standing committee for three consecutive meetings of the standing committee.

(6) Where a casual vacancy occurs in the membership of a standing committee it shall be filled by the corporation by the election of another councillor. The person so elected shall hold office only so long as the person in whose place he is elected would, but for the occurrence of the vacancy, have held.

(7) A member of the standing committee may resign his office at any time by notice in writing addressed to the chairman of the standing committee and delivered to him and such resignation shall take effect from the date on which it is delivered.

12. Chairman of the standing committees.—(1) Each standing committee shall elect one of its members as chairman.

* * * *

(2) Such chairman shall hold office until his successor is elected but shall be eligible for re-election.

(3) Notwithstanding the provisions of sub-section (2) the chairman shall vacate his office when he ceases to be a member of the standing committee.

(4) If any casual vacancy occurs in the office of the chairman, the standing committee concerned shall, after the occurrence of such vacancy, elect one of its members to fill such vacancy, and every person so elected shall continue in office so long only as the person in whose place he is elected would, ****but for the occurrence of the vacancy have held.

13. Construction of reference to standing committees and chairman.—(1) Whenever in this Act the expression 'standing committee' occurs it shall, unless the context otherwise requires, be deemed to refer to the particular standing committee to which the power or duty in connection with which the expression is used is assigned by or under this Act, and all references to the standing committee in any other law shall be construed as reference to the particular standing committee to which the power or duty, is conferred or imposed by such law.

(2) Any reference made to a 'chairman' of the standing committee by or under this Act or under any other Law shall be construed as a reference to the Chairman of the particulars standing committee to which the power or duty in connection with which the reference is made is assigned by or under this Act or under such law.

14. Commissioner and his term of office, etc.—(1) The Commissioner shall be appointed by the Government

* * * * *

after consultation with the Mayor. He shall not be a member of the corporation and he shall, subject to the pleasure of the Government, ordinarily hold office for a period of two years.

(2) Notwithstanding anything in sub-section (1), the Commissioner shall be removed from office whenever the corporation so resolves by a majority of not less than two-thirds of its members.

15. Salary and other conditions of service of the Commissioner.—(1) The Commissioner shall be paid out of the corporation fund such monthly salary and allowances as the Government may, from time to time, by order determine.

(2) The Commissioner shall be a whole-time officer of the corporation and shall not engage in any other profession, trade or business whatsoever.

(3) When a salaried servant of the Government is appointed as the Commissioner, there shall be paid to the Government out of the corporation funds such sum by way of contribution towards his pension, leave salary and other allowances as may be required to be paid by him or on his behalf under the conditions of service applicable to him.

(4) The Commissioner shall be entitled to such leave as the Government may by order from time to time specify. The leave may be granted to the Commissioner by the Government and when such leave is granted, he shall be paid such leave salary and allowances as the Government may determine which shall be met out of the corporation funds.

16. Acting Commissioner —During the absence of

* * * * * *

Commissioner, the Government may appoint a person to act as the Commissioner and every person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act or any other law for the time being in force on the Commissioner and shall be subject to all the liabilities, restrictions and conditions to which the Commissioner is liable and shall receive such monthly salary and allowances not exceeding the salary and allowances for the

time being payable to the Commissioner, as the Government may determine.

* * * * * *

* * * * * *

17. **Honoraria, fees or allowances.**—(1) From out of the corporation funds such honoraria, fees or allowances as may be determined by the Government may be paid to Mayor, the Deputy Mayor and the councillors.

(2) The corporation shall place at the disposal of the Mayor annually such sum not exceeding ten thousand rupees as may be determined by it by way of sumptuary allowance.

(3) Notwithstanding anything contained in this Act the receipt by any person of honoraria, fee or allowance as Mayor, Deputy Mayor or councillor as aforesaid shall not disqualify him for being elected as or for being a councillor.

18. **Oath of allegiance to be taken by councillors.**—(1) Notwithstanding anything contained in the Oaths Act, 1969 (Central Act 44 of 1969) every person who is elected to be a councillor shall, before taking his seat make at a meeting of the corporation, an oath or affirmation of his allegiance to the Constitution in the following form, namely :—

"I, A. B., having been elected a councillor
Swear in the name of God
of this corporation do ———————————— that I
solemnly affirm
will bear true faith and allegiance to the Constitution of India, and that I will faithfully discharge the duty upon which I am about to enter".

(2) Any person who having been elected to be a councillor fails to make, within three months of the date on which his term of office commences or at one of the first three meetings held after the said date, whichever is later, the oath or affirmation laid down in sub-section (1) shall

cease to hold his office and his seat shall be deemed to have become vacant.

(3) Any person who has been elected to be a councillor shall not take his seat at a meeting of the corporation or do any act as such councillor unless he has made the oath or affirmation as laid down in sub-section (1).

(4) Notwithstanding anything contained in sub-section (3), a Mayor or Deputy Mayor or the chairman or a member of a standing-committee, who has not made the oath or affirmation as a councillor shall be entitled to act as such Mayor, Deputy Mayor, Chairman or member.

19. Declaration of assets etc.—(1) Every councillor shall not later than one month after the commencement of his term of office and in the same month of each succeeding year file with the Mayor a declaration of all assets owned by him or any member of his family. Such declaration shall form part of the corporation records.

(2) If any councillor fails to file the declaration referred to in sub-section (1) or files the same knowing it to be false or incorrect he shall cease to be a councillor.

(3) Any question whether disqualification under sub-section (2) has accrued shall be decided, on reference made by the corporation, by Government and the decision of Government thereon shall be final.

Explanation.—For purposes of this section family means the spouse and dependant children of the councillor.

20. Power to make rules regarding election of Mayor, Deputy Mayor and members and chairman of standing committees.—(1) The election of the Mayor or the Deputy Mayor and members and chairman of standing committees and the determination of disputes relating such election and the filling up of vacancies in the said offices shall be in accordance with such rules as may be prescribed:

(2) Any dispute relating to the validity of the election of Mayor or Deputy Mayor or members or chairman of the standing committees shall be decided by the District Court

having jurisdiction and an appeal shall lie to the High Court from an order of the District Court within a period of thirty days from the date of such order excluding the time required for obtaining a copy of the order:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.

CHAPTER IV

Election

21. Determination of divisions, etc.—(1) For purposes of election of councillors Government shall, by notification, determine,—

(a) the divisions into which the city shall be divided and the extent of each division;

(b) the number of seats which may be allotted to each division which may be three or more;

(c) the number of seats reserved for the Scheduled Castes, the Scheduled Tribes and women and the divisions in which such seats shall be reserved:

Provided that where seats are reserved in any division, the number of seats allotted to such divisions shall be three or more.

(2) The ratio between the number of councillors to be elected from each division and the population of that division as ascertained at the last preceding census shall so far as practicable be the same throughout the city.

(3) The State Government may make rules for the purposes of sub-sections (1) and (2).

22. Right to vote.—Every person whose name is in the electoral roll referred to in section 23 shall, unless disqualified under any law for the time being in force, be

qualified to vote at the election of a councillor for the division or the category of reserved seats to which such roll pertains:

Provided that the persons included in the electoral roll for seats reserved for labourers shall not have the right to vote for the non-labour seats notwithstanding their names are included in the electoral rolls referred to in sub-section (1) of section 23.

23. Electoral rolls.—(1) Subject to the provisions of sub-section (2), the electoral roll of the Karnataka Legislative Assembly for the time being in force for such part of the constituency of the Assembly as is included in any division referred to in sub-section (1) of section 21 shall, for purposes of this Act, be deemed to be the electoral roll for such division:

* * * * * *

Provided that the electoral roll for such division shall not include any amendment, transposition, inclusion or deletion of any entry made after the last date for making nomination for election to such division and before the completion of such election.

(2) The electoral roll for seats reserved for labourers shall be prepared including therein persons belonging to the said category who are members of a registered trade union.

24. Commissioner to fix date of elections.—(1) All vacancies in the office of councillors shall be filled by elections which shall subject to approval of Government be fixed by the Commissioner to take place on such dates within three months before the occurrence of vacancies as he thinks fit:

Provided that Government may, for sufficient cause permit holding of such elections on any later date.

(2) A casual vacancy in the office of a councillor shall be filled at a casual election which shall be fixed by the Commissioner to take place as soon as may be after the occurrence of the vacancy :

Provided that no casual election shall be held to fill a vacancy occurring within three months before the ordinary date of retirement and that such vacancy shall be filled at the next ordinary election.

(3) A councillor elected at a casual election shall enter upon office forthwith but shall hold office so long only as the councillor in whose place he is elected would have held if the vacancy had not occurred.

25. **Qualification of candidates.**—(1) No person shall be qualified for election—

(a) as a councillor in respect of a seat in any division unless his name is included in the electoral roll **** of the said division :

(b) as a councillor in respect of any ***seats **reserved for the Schedule Castes or the Scheduled Tribes or women or labourers unless—

(i) such person is himself a member of any such Caste or Tribe or is a woman or a labourer ; and

(ii) his or her name is included in the electoral roll ****concerned.

(2) No member of the State Legislature representing part or whole of the city or no member of the State Legislature disqualified from being a member of the State Legislature, no servant of the corporation or no whole time servant of the State Government or Central Government shall be qualified for election or holding office as a councillor.*******

26. General disqualification for becoming a councillor.—(1) A person shall be disqualified for being chosen, as, and for being, councillor—

(a) if he has been sentenced by a criminal court to imprisonment for an offence punishable with imprisonment for a term exceeding six months, ********provided that (1) the offence is one which involves moral turpitude and (2) such sentence has not been reversed or quashed or the offence pardoned, or

(b) if an order has been passed against him under section 117 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), in proceedings instituted under section 110 of the Code, such order not having been subsequently reversed or quashed, or

(c) if he holds any office of profit under the Government of India or the Government of any State specified in the First Schedule to the Constitution of India, or of any local or other authority subject to the control of any of the said Government other than such offices as are declared by rules made under this Act not to disqualify the holder; or

(d) if he has been dismisssed from service under a local authority or Government service, or

(e) if, having been a legal practitioner, he has been dismissed or suspended from practice by order of a competent authority the disqualification in the latter case being operative during the period of such suspension, or

(f) if he is deaf or mute, or

(g) if he is of unsound mind and stands so declared by a competent court, or

(h) if he is an undischarged insolvent, or

(i) if he is not citizen of India or has voluntarily acquired the citizenship of a foreign State, or is under any

acknowledgment of allegiance or adherence to a foreign State, or

(j) if he is less than twenty-five years of age, or

(k) if, save as hereinafter provided, he has directly or indirectly by himself or his partner any share or interest in any work done by order of the Corporation, or in any contract or employment with or under, or by or on behalf of the Corporation; or

(l) if he is employed as paid legal practitioner on behalf of the Corporation or accepts employment as legal practitioner against the Corporation; or

(m) if he is a licensed surveyor, or plumber or water supply contractor of the Corporation or is a partner of a firm of which any such licensed person is a partner; or

(n) if he fails to pay arrears of any kind due by him, otherwise than as an agent, receiver, trustee or an executor, to the Corporation within three months after a notice in this behalf has ben served upon him; or

(o) if he has in proceedings questioning the validity or regularity of an election been found to have been guilty of—

(i) any corrupt practice, or

(ii) any offence punishable under section 171E or section 171F of the Indian Penal Code, or any offence punishable under section 46 or section 58 or clause (a) of sub-section (2) section 59 of this Act,

unless a period of five years has elapsed since that date of the finding or the disqualification has been removed by order by the Government :

Provided that—

(a) the disqualification in sub-clause (b) shall cease to operate after the expiry of the period during which a person is ordered to furnish security;

(b) a person shall not be deemed to have incurred any disqualification under clause (c) by reason only of receiving,—

(i) any pension, or

(ii) any allowance or facility approved by the Government for serving as president or vice-president or as councillor;

(c) the disqualification in clauses (a), (e) and (g) shall cease to operate after the expiry of four years from the date of such sentence, dismissal or removal or earlier by an order of the Government;

(d) a person shall not be deemed to have incurred disqualification under sub-clause (k) by reason of his—

(i) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(ii) having a share or interest in any joint stock company otherwise than as managing director or agent or in any literary association registered under the Societies Registration Act or in any co-operative society which shall contract with or be employed by, or on behalf of the Corporation, or

(iii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Corporation may be inserted, or

(iv) holding a debenture or being otherwise interested in any loan raised by, or on behalf of the Corporation, or

(v) having a share or interest in the occasional sale of any article in which he regularly trades, to the Corporation to a value not exceeding in any prescribed, or

(vi) having a share or interest in the occasional letting out on hire to the Corporation or in the hiring from Corporation, of any article for an amount not exceeding in any official year fifty rupees or such higher amount not exceeding five hundred rupees as may be prescribed.

(2) If any councillor during the term for which he has been elected—

(a) become subject to any disqualification specified in sub-section (1) or

(b) votes or takes part as a councillor in the discussions of any matter—

(i) in which he has directly, or indirectly by himself or his partner, any such share or interest as is described in sub-clause (i), (ii), (iii) or (v) of clause (d) of the proviso to sub-section (1) whatever may be the value of such share or interest, or

(ii) in which he is professionally interested on behalf of a principal or other person, or

(iii) in which he is engaged at the time in any proceeding against the Corporation, or

(c) absents himself from the meetings of the Corporation during three consecutive months except with the leave of the Corporation:

Provided that no such leave shall be granted in case of absence from the meetings of the Corporation during a period exceeding six consecutive months:

Provided further that when an application is made by a councillor to the Corporation for leave to absent himself and the Corporation fails to inform the applicant of its decision on the application within a period of one month from the date of the application, the leave applied for shall be deemed to have been granted by the Corporation. The Divisional Commissioner either suo motu or on a report made to him and after such inquiry as he deems fit, shall declare the seat of the person concerned to have become vacant.

(3) Any person aggrieved by the decision of the Divisional Commissioner under sub-section (2) may, within a period of thirty days from the date of such decision, appeal to the Government and the orders passed by the Government on such appeal shall be final:

Provided that no order shall be passed under sub-sections (2) and (3) against any councillor without giving him a reasonable opportunity of being heard.

27. Offences entailing disqualification.—(1) Conviction for the following offences shall entail disqualification for being a councillor namely :—

(a) offences punishable with imprisonment under section 171E or section 171F of the Indian Penal Code (Central Act 45 of 1860), and

(b) offences punishable under section 41 or section 53 or clause (a) of sub-section (2) of section 54 of this Act.

(2) The period of such disqualification shall be six years from the date of the conviction for the offence.

28. Corrupt practices entailing disqualification.—The corrupt practices specified in section 40 shall entail disqualification for being a councillor for a period of six years counting from the date on which the finding of the court as to such practice takes effect under this Act.

29. Disqualification for being a voter arising out of conviction and corrupt practice.—If any person—

(a) is convicted of an offence punishable with imprisonment under section 171E or section 171F of the Indian Penal Code (Central Act 45 of 1860) or an offence punishable under section 41 or section 53 or clause (a) of sub-section (2) of section 54 of this Act ; or

(b) is upon the trial of an election petition under this Act found guilty of any corrupt practice,

he shall for a period of six years from the date of conviction or from the date on which such finding takes effect be disqualified for voting at an election.

30. Disqualification for being an election agent.—Any person who is for the time being disqualified under section 27, 28 or 29 for being a councillor or for voting at elections, shall, so long as the disqualification subsists, also be disqualified for being an election agent at an election.

* * * * *

* * * * *

31. **Equality of vote.**—If there is equality of votes between two or more candidates, the Commissioner shall decide by drawing lots which candidate shall be deemed to have been elected.

32. **Prohibition of simultaneous membership.**—(1) If a person is elected for more than one division, he shall within three days from the date of the last of such elections, by notice in writing signed by him and delivered to the Commissioner intimate the division from which he chooses to serve and the choice shall be final.

(2) If the candidate does not make the choice referred to in sub-section (1), the Commissioner shall determine by lot and notify the division from which such candidate shall serve.

(3) The said person shall be deemed to have been elected only for the seat from the division so chosen or notified, as the case may be, and the vacancies thereby arising in respect of the other seat or seats shall be filled by fresh election.

33. **Publication of results of elections.**—All elections of the Mayor and the Deputy Mayor and all election of councillors shall be notified by Government in the official Gazette.

34. **Election petition.**—(1) No election of a councillor shall be called in question except by an election petition presented for adjudication to the District Court having jurisdiction, within thirty days from the date of the publication of the result of election under section 33.

(2) An election petition may be presented on one or more of the grounds specified in section 36,—

(a) by any candidate at such election ; or

(b) by any voter of the division concerned.

(3) A petitioner shall join as respondents to his petition all the candidates at the election.

(4) An election petition,—

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the verification of pleadings.

(5) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date of presentation of the election petition under sub-section (1):

Provided that where the petitioner alleges any corrupt practice the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

(6) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

35. Relief that may be claimed by the petitioner.— A petitioner may, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claim a further declaration that he himself or any other candidate has been duly elected.

36. Grounds for declaring elections to be void.— (1) Subject to the provisions of sub-section (2), if the court is of opinion—

(a) that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as a councillor under this Act, or

(b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent, or

(c) that any nomination has been improperly rejected, or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected,—

(i) by the improper acceptance of any nomination ; or

(ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent ; or

(iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void ; or

(iv) by any non-compliance with the provisions of this Act or of any rules or orders made thereunder,

the court shall declare the election of the returned candidate to be void.

(2) If in the opinion of the court, a returned candidate has been guilty, by an agent other than his election agent, of any corrupt practice, but the court is satisfied—

(a) that no such corrupt practice was committed at the election by the candidate or his election agent and every such corrupt practice was committed contrary to the orders and without the consent of the candidate or his election agent ;

(b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election ; and

(c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents,

then the court may decide that the election of the returned candidate is not void.

37. **Procedure to be followed by the court.**—The procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall be followed by the court as far as it can be made applicable, in the trial and disposal of an election petition under this Act.

38. **Decision of the court.**—(1) At the conclusion of the trial of an election petition, the court shall make an order,—

(a) dismissing the election petition ; or

(b) declaring the election of all or any of the returned candidates to be void ; or

(c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected.

(2) If any person who has filed an election petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the court is of opinion—

(a) that in fact the petitioner or such other candidate received a majority of the valid votes ; or

(b) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes,

the court shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate as the case may be, to have been duly elected.

(3) If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected, then, the court shall decide between them by lot and proceed as if the one on whom the lot falls had received an additional vote

39. **Appeal.**—An appeal shall lie to the High Court from an order of the District Court under section 38 within a period of thirty days from the date of the order of the court excluding the time required for obtaining a copy of the order :

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

40. **Corrupt practices.**—The following shall be deemed to be corrupt practices for the purposes of this Act, namely :

(1) 'bribery' as defined in clause (1) of section 123 of the Representation of the People Act, 1951 (Central Act 43 of 1951) for the time being in force ;

(2) 'undue influence' as defined in clause (2) of the said section for the time being in force ;

(3) the appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherence of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate ;

(4) the promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens

of India on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherence of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate ;

(5) the publication by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election ;

(6) the hiring or procuring whether on payment or otherwise of any vehicle by a candidate or his agent or by any other person with the consent of a candidate or his election agent for the conveyance of any voter (other than the candidate himself and the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act :

Provided that the hiring of a vehicle by an elector or by several electors at their joint cost for the purpose of conveying him or them to and from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle so hired is a vehicle not propelled by mechanical power :

Provided further that the use of any public transport vehicle or any railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicle or otherwise ;

(7) the holding of any meeting in which intoxicating liquors are served ;

(8) the obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government or the service of the corporation ;

(9) any other practice which the Government may by rules specify to be a corrupt practice.

Explanation.—(a) In this section, the expression "agent" includes election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

(b) For the purposes of clause (8), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent, or a polling agent or a counting agent of that candidate.

41. Promoting enmity between classes in connection with election.—Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes of the citizens of India shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

42. Prohibition of public meetings on the day preceding the election day and on the election day.—(1) No person shall convene, hold or attend any public meeting within any division within twenty-four hours before the date of commencement of the poll or on the date or dates on which a poll is taken for an election in that division.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

43. Disturbances at election meetings.—(1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(2) This section applies to any public meeting in connection with corporation elections held in any division between the date of the issue of a notification fixing the date of the poll to elect a councillor or councillors and the date on which the election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

44. Restrictions on the printing of pamphlets, posters etc.—(1) No person shall print or publish or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate.

(3) For the purposes of this section,—

(a) any process for multiplying copies of a document other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed accordingly; and

(b) 'election pamphlet or poster' means any printed pamphlet, hand-bill or other document distributed for the

purposes of promoting or prejudicing the election of a candidate or group of candidates under this Act or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall, on conviction be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

45. **Maintenance of secrecy of voting.**—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election under this Act shall maintain and aid in maintaining, the secrecy of the voting and shall not except for some purpose authorised by or under any law communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine or with both.

46. **Officers, etc., at elections not to act for candidates or to influence voting.**—(1) No person who is a returning officer or an assistant returning officer or a presiding or polling officer at an election under this Act or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with such election shall in the conduct or management of the election do any act (other than the giving of vote) for the furtherence of the prospects of the election of a candidate.

(2) No such person as aforesaid and no member of a police force, shall endeavour,—

(a) to persuade any person to give his vote at an election; or

(b) to dissuade any person from giving his vote at an election ;

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine, or with both.

47. Prohibition of canvassing in or near polling stations.—(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred meters of the polling station, namely :—

(a) canvassing for votes ; or

(b) soliciting the vote of any voter ; or

(c) persuading any voter not to vote for any particular candidate ; or

(d) persuading any voter not to vote at election ; or

(e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

48. Penalty for disorderly conduct in or near polling stations.—(1) No person shall, on the date or dates on which a poll is taken at any polling station,—

(a) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megphone or a loudspeaker ; or

(b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes or wilfully aids or abets the contravention of the provisions of sub-section (1), shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

49. Penalty for misconduct at the polling station. (1) Any person who during the hours fixed for the poll at any polling station, misconducts himself or fails to obey the lawful directions of the presiding officer, may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

50. Penalty for illegal hiring or procuring of conveyances at elections.—If any person is guilty of any such corrupt practice as is specified in clause (6) of section 40 at or in connection with an election he shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

51. Breaches of official duty in connection with elections.—(1) If any person to whom this section applies, is without reasonable cause guilty of any act or omission in breach of his official duty, he shall, on conviction, be punished with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the returning officer, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of voters at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act in connection with such election.

52. Penalty for Government servants for acting as election agent, polling agent or counting agent.—If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

53. Removal of ballot papers from polling station to be an offence.—(1) Any person who at any election

fraudulently takes or attempts to take a ballot paper out of a polling station or wilfully aids or abets the doing of any such act, shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer :

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

54. **Other offences and penalties therefor.**—(1) A person shall be guilty of an electroal offence if at any election, he,—

(a) fraudulently defaces or fraudulently destroys any nomination paper ; or

(b) fraudu'ently defaces, destroys or removes any list, notice or other document, affixed by or under the authority of a returning officer ; or

(c) fraudulently defaces or fraudulently destroyes any ballot paper or the official mark on any ballot paper ; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper ; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in ; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election ; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall,—

(a) if he is the returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or person employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years, or with fine, or with both ;

(b) if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) For the purpose of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election but the expression " official duty " shall not include any duty imposed otherwise than by or under this Act in connection with such election.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

55. Prosecution regarding certain offences.—No court shall take cognizance of any offence under section 46 or under section 51 or under clause (a) of sub-section (2) of section 54 unless there is a complaint made by order of, or under authority from, such officer as may be prescribed by rules.

56. Power to make rules regulating the election of councillors.—(1) The Government may make rules to provide for or regulate all or any of the following matters for the purpose of holding elections of councillors under this Act, namely :—

(a) the appointment of a returning officer, assistant returning officers, presiding officers and polling officers for the conduct of elections ;

(b) the nomination of candidates, form of nomination papers, objections to nominations and scrutiny of nominations ;

(c) the symbols that may be chosen by candidates representing political parties and other candidates at elections and the restriction to which their choice is subject;

(d) the deposits to be made by candidates, time and manner of making such deposits and the circumstances under which such deposits may be refunded to candidates or forfeited to the corporation ;

(e) the withdrawal of candidates ;

(f) the appointment of agents of candidates ;

(g) the procedure in contested and uncontested elections and the special procedure at elections in divisions where any seat is reserved for the Scheduled Castes or Scheduled Tribes ;

(h) the date, time and place for poll and other matters relating to the conduct of elections including—

(i) the appointment of polling stations for each division,

(ii) the hours during which the polling station shall be kept open for the casting of votes,

(iii) the printing and issue of ballot papers,

(iv) the checking of votes by reference to the electrol roll,

(v) the marking with indelible ink of the left forefinger or any other finger or limb of the voter and prohibition of the delivery of any ballot paper to any

person if at the time such person applies for such paper he has already such mark so as to prevent personation of voters,

(vi) the manner in which votes are to be given and in particular in the case of illiterate voters or of voters under physical or other disability,

(vii) procedure to be followed in respect of challenged votes and tendered votes,

(viii) the scrutiny and counting of votes, the declaration and publication of the results and the procedure in case of equality of votes,

(ix) the custody and disposal of papers relating to elections,

(x) the suspension of poll in case of any interruption by riot, violence or any other sufficient cause and the holding of a fresh poll,

(xi) the holding of a fresh poll in the case of destruction of or tampering with ballot boxes before the count,

(xii) the countermanding of the poll in the case of the death of a candidate before the poll;

(i) the fee to be paid on an election petition;

(j) any other matter relating to elections or election disputes in respect of which the Government deems it necessary to make rules under this section.

(2) In making any rule under this section the Government may provide that any contravention thereof shall, on convicition, be punished with fine which may extend to one hundred rupees.

57. Bar or suits relating to elections, etc.—No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment or removal of councillors, the Mayor or Deputy Mayor, members and chairmen of the standing committees unless such suit is authorised by the provisions of this Act or any rule made under this Act.

* * * * *

CHAPTER V

POWERS AND FUNCTIONS OF THE CORPORATION AND OTHER AUTHORITIES

58. General powers of the corporation.—(1) Subject to the provisions of this Act, the rules, the regulations and the bye-laws made thereunder, the municipal government of the city shall vest in the corporation.

(2) Without prejudice to the generality of the provisions of sub-section (1), it shall be the duty of the corporation to exercise such powers, perform such functions and discharge such duties as are conferred on it by and under this Act and consider all periodical statements relating to the receipts and disbursements, and all progress reports and pass such resolutions thereon, as it thinks fit.

59. Obligatory functions of the corporations.—It shall be incumbent on the corporation to make reasonable and adequate provision by any means or measures which it is lawfully competent to use or to take, for each of the following matters, namely—

(1) erection of substantial boundary marks of such description and in such positions as shall be approved by the Government defining the limits or any alteration in the limits of the city ;

(2) the watering, and cleansing of all public streets and public places in the city and the removal of all sweepings therefrom ;

(3) the collection, removal, treatment and disposal of sewage, offensive matter and rubbish and, the preparation of compost manure from such sewage, offensive matter and rubbish ;

(4) the construction, maintenance and cleaning of drains and drainage works and of public privies, water closets, urinals and similar conveniences ;

(5) the lighting of public streets, municipal markets and places of resort vested in the corporation ;

(6) the maintenance of a corporation office and of all public monuments and open spaces and other property vesting in the corporation and keeping a true and correct accounts of all corporation property;

(7) the naming or numbering of streets and of public places vesting in the corporation and the numbering of premises;

(8) the regulation and abatement of offensive and dangerous trades or practices;

(9) the maintenance, change and regulation of places for the disposal of the dead and the provision of new places for the said purpose and disposing of unclaimed dead bodies;

(10) the construction or acquisition and maintenance of public markets and slaughter houses and the regulation of all markets and slaughter houses;

(11) the maintenance of an ambulance service and service for conveying dead bodies to crematoriums;

(12) the destruction of birds or animals causing nuisance, or of vermin and confinement or destruction of stray or ownerless dogs;

(13) laying out new public streets;

(14) maintaining or aiding schools for pre-primary education;

(15) the construction or acquisition and maintenance of cattle pounds;

(16) establishing and maintaining a system of public vaccination;

(17) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances;

(18) the planting and maintenance of trees on road sides and elsewhere;

(19) the construction, maintenance, alteration and improvement of public streets, bridges, sub-ways, culverts cause-ways and the like;

(20) the removal of obstructions and projections in or upon streets, bridges and other public places;

(21) the management and maintenance of all municipal water works and the construction or acquisition of new works necessary for a sufficient supply of water for public and private purposes;

(22) preventing and checking the spread of dangerous diseases;

(23) the securing or removal of dangerous buildings and places;

(24) the construction and maintenance of residential quarters for the poura karmikas;

(25) the provision of public parks, gardens, playgrounds and recreation grounds;

(26) the regulation of lodging houses, camping grounds and rest houses in the city;

(27) establishing and maintaining compost plants for disposal of sewage;

* * * * * * * * * * *

(28) supplying, constructing and maintaining in accordance with the general system approved by the corporation, receptacles, fittings, pipes and other appliances whatsoever on or for the use of premises for receiving and conducting the sewage thereof into drains under the control of the corporation;

(29) taking measures to meet any calamity affecting the public;

(30) fulfilment of any obligation imposed by or under this Act or any other law for the time being in force and discharge of functions in respect of any matter entrusted to the corporation by Government by notification;

(31) subject to adequate provision being made for the matters specified above, the provision of relief to destitute persons in the city in times of famine and scarcity and the establishment and maintenance of relief works in such times.

60. Discretionary functions of the corporation.— The corporation may, in its discretion, provide, either wholly or in part, for all or any of the following matters, namely :—

(1) the organisation, maintenance or management of institutions within or without the city for the care of persons who are infirm, sick or incurable, or for the care and training of blind, deaf, mute or otherwise disabled mothers or infants or school children ;

(2) the organisation, maintenance or management of maternity and infant-welfare homes or centres ;

(3) the provision of milk to expectant or nursing mothers or infants or school children ;

(4) the organisation, maintenance or management of chemical or bacteriological laboratories for the examination or analysis of water, food or drugs, for the detection of diseases or for researches connected with public health ;

(5) the organisation, maintenance or management of swimmingpools, public wash houses, bathing places and other institutions designed for the improvement of public health ;

(6) the construction and maintenance in public streets or places, of drinking fountains for human beings and water-troughs for animals ;

(7) survey of buildings or lands ;

(8) the provision of music for the people ;

(9) encouraging the development of planning and maintenance of trees and plants on private land and within private compounds ;

(10) maintenance of health museums ;

* * * * * * * * * *

(11) construction or maintenance of infirmaries or hospitals for animals ;

(12) the organisation or maintenance, in times of scarcity of shops or stalls for the sale of necessaries of life ;

(13) the building or purchase and maintenance of residence for corporation officers and servants.

(14) the grant of loans for building purposes to corporation servants on such terms and subject to such conditions as may be prescribed by the corporation;

(15) any other measures for the welfare of corporation servants or of any class or them;

* * * * * * * * *

(16) the establishment and maintenance or the aiding of, museums and art galleries, botanical or zoological collections and the purchase or construction of buildings therefor;

(17) contribution towards any public fund raised for the relief of human suffering caused by natural calamities within the city or for the public welfare;

(18) the preparation or presentation of addresses to persons of distinction;

(19) granting rewards for information regarding the infringement of any provisions of this Act, or of the rules, bye-laws and regulations;

(20) the building or purchase and maintenance of suitable dwelling for the poor and working classes;

(21) the provision of shelter to destitute or homeless persons and any form of poor relief;

(22) with the previous sanction of the Government, the making of a contribution towards any public ceremony or entertainment in the city;

* * * * * * * * *

(23) any measure not herein before specifically named, likely to promote public safety, health, convenience or instruction.

61. Powers and functions of the Mayor.—(1) The Mayor shall preside over every meeting of the corporation.

(2) Subject to the provisions of this Act, the Mayor shall have general powers of inspection and may give direction to the Commissioner with regard to the implementation of any resolution of the corporation or a standing committee in the discharge of any obligatory and discretionary functions of the corporation, and the commissioner shall comply with such directions. The Mayor

may call any record of the corporation from the Commissioner and the records made available to him shall be returned by him within fifteen days from the date they are made available.

(3) The Mayor may, by an order in writing delegate any of his functions to the Deputy Mayor.

* * * * * * * * *

(4) The Mayor shall not be eligible to be elected as chairman of any standing committee.

(5) If the Mayor is, at the time of his election as the chairman or an elected member of a standing committee, he shall cease to hold office as such chairman or member of such committee.

(6) If any vacancy occurs in the office of the chairman of any standing committee, the Mayor shall convene a meeting of such committee for the election of another chairman.

62. Functions of the Deputy Mayor.—(1) When the office of the Mayor is vacant, his functions shall devolve on the Deputy Mayor until a new mayor is elected.

(2) If the Mayor is continuously absent from the city for more than eight days, or is incapacitated for more than eight days his functions shall devolve on the Deputy Mayor until the Mayor returns to the city or recovers from his incapacity, as the case may be.

* * * * * * * *

(3) The Deputy Mayor shall have the power to direct the Commissioner to get the Administration and Audit Reports prepared in time.

* * * * * * * *

(4) The Deputy Mayor shall discharge such functions of the Mayor as may be delegated to him by the Mayor.

63. Functions of standing committees.—(1) The standing committee for taxation and finance shall deal with all matters relating to finance, taxation, accounts and audit and all other matters not specifically assigned to the standing committee for public health or the standing

committee for works, which are required to be dealt with by or under this Act.

(2) The standing committee for public health shall deal with all matters relating to public health and sanitation.

(3) The standing committee for works shall deal with all matters relating to public works, town planning and improvement.

(4) The corporation shall by regulations framed for the purpose determine the powers and duties of each standing committee, not specifically provided for in this Act and may by regulations provide for a conference of two or more standing committees or for the appointment out of such committee of a joint committee for any purpose in respect of which they may be jointly interested.

(5) The standing committee for taxation and finance, in addition to the powers and duties assigned to it under the regulations,—

(a) shall supervise the utilization of the budget grants;

(b) shall have access to the accounts of the corporation, and may require the Commissioner to furnish any clarification which it considers to be necessary as to the receipts and expenditure of the corporation fund;

* * * * * * * *

(c) may conduct a monthly audit of the corporation accounts and shall be bound to check the monthly abstract of receipts and disbursements for the preceeding month as furnished by the Commissioner; and

(d) may, subject to the approval of the corporation, write off the amount of any loss, or depreciation caused to corporation property which appears to the committee to be irrecoverable:

Provided that where the amount of any such loss or depreciation exceeds rupees one thousand it shall not

be written off except with the previous sanction of the Government.

(6) The corporation shall sanction such staff as may reasonably be required by the standing committees to discharge their respective functions.

64. Delegation of powers to Commissioner by standing committee.—(1) Wherever it is provided by the Act or any other law for the time being in force that the Commissioner may take action subject to the approval, sanction, consent or concurrence of a standing committee the standing committee may, by resolution in writing, authorise him to take action in anticipation of its approval, sancton, consent or concurrence subject to such conditions, if any, as may be specified in such resolution.

(2) Whenever the Commissioner, in pursuance of such resolution, takes any action in anticipation of the approval, sanction, consent or concurrence of a standing committee he shall forthwith inform the committee of the action so taken.

65. Functions of the Commissioner.—(1) Whenever it is in this Act expressly so directed subject to the approval or sanction of the corporation or the standing committee concerned and subject also to all other restrictions, limitations and conditions imposed by this Act or by any other law for the time being in force, the executive power for the purpose of carrying out the provisions of this Act and of any other law for the time being in force which imposes any duty or confers any power on the corporation shall vest in the Commissioner, who shall also—

(a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by or under this Act or by any other law for the time being in force;

* * * * * * * * *

(b) in any emergency take such immediate action for the service or safety of the public or the protection of the property of the corporation as the emergency shall appear to him to justify or to require, notwithstanding that such action cannot be taken under this Act without the sanction, approval or authority of some other municipal authority or of the Government:

Provided that the Commissioner shall report forthwith to the standing committee concerned and to the corporation the action he has taken and the reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action which is not covered by a current budget grant under the provisions of this Act.

(2) Any powers, duties and functions conferred or imposed upon or vested in the corporation by any other law for the time being in force shall, subject to the provisions of such law, be exercised, performed or discharged by the Commissioner.

(3) The Commissioner may with the approval of the standing committee concerned, by order in writing empower any corporation officer to exercise, perform or discharge any such power, duty or function under the control of the Commissioner and subject to his revision and to such conditions and limitation, if any, as he shall think fit to specify.

66 Commissioner to carry any correspondence.—All correspondence relating to any matter dealt with, by or under this Act or under any other law between the corporation and the Government or other authority shall be conducted by the Commissioner and the Commissioner shall send copies of such correspondence to the Mayor.

67. Delegation of Commissioner's ordinary power.—Subject to the rules made by the State Government, the

Commissioner may delegate to any officer of the Corporation subordinate to him any of his ordinary powers, duties and functions.

68. Delegation of Commissioner's extraordinary powers.—The Commissioner may on his own responsibility and by an order in writing authorize the health officer, the engineer, the revenue officer or any other officer who is the head of a department working under the Commissioner, or any person in temporary charge of the duties of any of the officers aforesaid to exercise the extraordinary powers conferred on him by clause (b) of sub-section (1) of section 65.

69. Custody of records.—The Commissioner shall be responsible for the custody of all records of the corporation subordinate to him any of his ordinary powers, duties the proceedings of the corporation, the standing committees and other committees.*******

* * * * * *

70. Control over Corporation establishment.—Subject to the provisions of this Act, rules and regulations, the Commissioner shall specify the duties of persons borne on the Corporation establishment and exercise powers of supervision and control over them and decide all questions relating to their conditions of service.

71. Powers of councillors.—(1) Any councillor may draw the attention of the proper authority to any neglect in the execution of corporation work, to any waste of corporation property or to the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every councillor shall have the right to interpellate on matters connected with the corporation administration subject to the regulations framed in this behalf.

CHAPTER VI

PROCEDURE OF THE CORPORATION AND COMMITTEES.

72. Proceedings of the corporation and standing committees.—(1) The first meeting of the corporation after the general election shall be held as early as possible after the publication of the results of such election and shall be convened by the Commissioner. It shall be presided over by the Divisional Commissioner of the revenue division having jurisdiction.

(2) The meetings of the corporation and the standing committees*** shall be held in the office of the corporation and the business before them shall be disposed of in accordance with the prescribed procedure. Notices of such meetings shall be issued by the council secretary who in the case of meetings of the corporation shall do so in consultation with the Mayor and the Commissioner and in the case of meetings of a standing committee in consultation with the chairman of such committee and the Commissioner. Every notice shall specify the agenda for the meeting. Ordinarily no subject not included in the agenda shall be taken up at the meeting except matters considered urgent by the Mayor or the chairman which may be considered if supplementary agenda in respect thereof has been circulated among the councillors or members before the meeting.

(3) The corporation may require any of its officers to attend any meeting of the corporation at which any matter dealt with by such officer in the course of his duties is being discussed; when any officer is thus required to attend any such meeting he may be called upon to make a statement of facts or supply such information in his possession relating to any matter dealt with by him as the corporation may require.

* * * * * * *

73. Obligation laid on remaining municipal authorities to carryout resolutions of the corporation.—The committees constituted under this Act and the Commissioner

shall be bound to give effect to every resolution of the corporation unless such resolution is cancelled in whole or in part by the Government:

Provided that, if, in the opinion of the Commissioner any resolution of the corporation or a committee constituted under this Act contravenes any provision of this Act or any other law or of any rule, notification, regulation or bye-law made or issued under this Act or any other law, or of any order passed by the Government or is prejudicial to the interests of the corporation he shall, within fifteen days of the passing of the resolution, refer the matter to the Government for orders and inform the corporation or to committee, as the case may be, of the action taken by him at its next meeting and until the orders of the Government on such reference are received, the Commissioner shall not be bound to give effect to the resolution.

74. Corporation may call for extracts from proceedings, etc., from the standing committee, etc.—The corporation may at any time call for any extract from any proceedings of the committee constituted under this Act, and any return, statement, account of report concerning or connected with any matter with which any such committee is empowered by or under this Act to deal; and every such requisition shall be complied with by the committee without unreasonable delay.

75. The corporation or a standing committee may require Commissioner to produce documents and furnish returns, reports, etc.—(1) Save as otherwise provided in sub-section (3), the corporation or a standing committee may at any time require the Commissioner,—

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner, or which is recorded or filed in his office or in the office of any corporation officer or servant subordinate to him ;

(b) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act;

(c) to furnish a report by himself or to obtain from any officer subordinate to him and furnish, with his own remarks thereon, a report upon any subject concerning or connected with the administration of this Act.

(2) Except as is hereinafter provided, every such requisition shall be complied with by the Commissioner without unreasonable delay; and it shall be incumbent on every corporation officer and servant to obey any order made by the Commissioner in pursuance of any such requisition :

Provided that if, on such requisition as aforesaid being made, the Commissioner shall declare that immediate compliance therewith would be prejudicial to the interests of the corporation or of the public, and shall if so required by the corporation or the standing committee, as the case may be, refer the question to the Mayor whose decision shall be final.

(3) Notwithstanding anything contained in this Act the Commissioner shall not produce or be called upon to produce by the corporation, a standing committee or any other committee, Mayor or Deputy Mayor, any record, correspondence or other document which is in his possession or his control and which is the subject matter of correspondence with the Government except in cases where the Commissioner considers that the production of any record, correspondence or other document is necessary in the interests of the corporation.

76. Joint transaction with other local authorities.— (1) The corporation may and if so required by the Government shall, join with a local authority or with a combination of local authorities,—

(a) in appointing a joint committee out of their respective bodies for any purposes in which they are jontly interested and in appointing chairman of such committee ;

(b) in delegating to any such committee powers to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by any of such bodies ; and

(c) in framing and modifying rules for regulating proceedings of any such committees in respect of the purpose for which the committee is appointed.

(2) When the corporation has requested the concurrence of any other local authority under the provisions of sub-section (1) in respect of any matter and such other local authority has refused to concur, the Government may pass such orders as it deems fit requiring the concurrence of such other local authority in the matter aforesaid and such other local authority shall comply with such orders.

(3) If any difference of opinion arises between the corporation and any other local authority which has joined the corporation under this section, the matter shall be referred to the Government whose decision thereon shall be final and binding on both the parties.

77. **Proceedings of corporation, etc., not vitiated by disqualification, etc., of members thereof.**—(1) No act done or proceeding taken under this Act shall be questioned merely on the ground,—

(a) of any vacancy or defect in the constitution of the corporation or of any standing committee ; or

(b) of any defect or irregularity in such act or proceeding, not affecting the merits of the case.

(2) No disqualification of or defect in the election or appointment of, any person acting as a councillor, as the Mayor or the Deputy Mayor or as the chairman or a member of any standing committee appointed under this Act shall be deemed to vitiate any act or proceedings of the corporation or of any such standing committee in which such person has taken part provided that the majority of

the persons who were parties to such act or proceedings were entitled to act.

78. Record of proceedings.—Proceedings of the meetings of the corporation and the standing committees shall be recorded by the council secretary and shall be placed before the next meeting for confirmation.

79. Proceedings of meetings to be good and valid until contrary is proved.—Until the contrary is proved, every meeting of the corporation or of a standing committee in respect of the proceedings whereof a minute has been made and signed in accordance with this Act or the rules shall be deemed to have been duly convened and held, and to be free from all defects and irregularities, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a standing committee such standing committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

80. Commissioner's right to attend and take part in discussion but not to move resolution or to vote.—(1) The Commissioner shall have the right to attend the meetings of the corporation and of any standing committee and to take part in the discussion but shall not have the right to move any resolution or to vote.

(2) He shall attend any meeting of the corporation or of a standing committee if required to do so by the Mayor.

81. Councillors to restrain from raising part in discussion and voting on questions in which they have pecuniary interest.—(1) No councillor shall vote on or take part in the discussion of, any question coming up for consideration at a meeting of the corporation of any standing committee, if the question is one in which a part from its general application to the public he has any direct or indirect pecuniary interest by himself or his partner.

(2) The Mayor or chairman may prohibit any councillor from voting on or partaking in the discussion of, any

matter in which the councillor is believed to have such interest or he may require the councillor to absent himself during the discussion.

(3) Such councillor may challenge the dicision of the Mayor or chairman, who shall thereupon put the question to vote and the decision of the meeting shall be final.

(4) If the mayor or chairman is alleged by any councillor present at the meeting to have any such interest in any matter under discussion, he may, on the motion of such councillor if carried, be required to absent himself from the meeting during the discussion.

(5) The councillor concerned shall not be entitled to vote on the question referred to in sub-section (3) and the Mayor or chairman concerned shall not be entitled to vote on the motion referred to in sub-section (4).

82. Submission of administration report to Government.—(1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government the corporation shall submit to the Government, a detailed report of the administration during the preceding year in such form as the Government mav direct.

(2) The Commissioner shall prepare such report and the corporation shall consider the report and forward the same to the Government with its resolutions thereon, if any.

(3) Copies of the administration report shall be kept for sale at the corporation office.

CHAPTER VII

Corporation officers and servants and their appointment and conditions of service.

83. Appointment of Engineer, Health Officer etc.—(1) The Government shall appoint for every corporation such officers of the State Civil Services as it considers suitable to be the Engineer, Health Officer, Revenue Officer.

Chief Accounts Officer and Council Secretary for the efficient functioning of the corporation and such officers shall be heads of their respective departments in the corporation and they shall be subordinate to the Commissioner. The Government may also appoint one or more Deputy Commissioners and Assistant Commissioners who shall exercise such powers and discharge such functions as may be specified in the rules. They shall be subordinate to the Commissioner.

(2) The Government shall in consultation with the Mayor shall appoint an officer not below the rank of an Assistant Commissioner to be the council secretary. The officer appointed shall be on deputation ordinarily for a period of three years and if the corporation by two thirds majority of its members so desire he shall be withdrawn earlier and another person appointed. It shall be the duty of the council secretary to attend every meeting of the corporation and the standing committees and he shall perform such other duties as are imposed on him by or under this Act.

(3) The officers appointed under sub-section (1) shall be whole-time officers of the corporation and shall not undertake any work unconnected with their offices.

(4) Every officer of the Government appointed under sub-sections (1) and (2) shall be paid by the corporation such salary as may be determined by the Government from time to time which shall be met out of the corporation fund and shall be entitled to leave and other privileges in accordance with the rules and regulations applicable to the Government service to which he belongs and in force for the time being, and the corporation shall make such contribution towards his leave allowances, pension and provident fund as may be payable under such rules and regulations by him or on his behalf.

84. Appointment to certain posts under the corporations to be made from Karnataka Municipal Administrative Service.—(1) Notwithstanding anything contained

in this Act or in any other law for the time being in force, such of the posts under every corporation as are included in the Karnataka Municipal Administrative Service shall be filled by the Government by appointment of officers belonging to the Karnataka Municipal Administrative Service.

(2) Subject to the provisions relating to recruitment and conditions of service applicable under the rules framed under the proviso to Article 309 of the Constitution of India, the officers of the Karnataka Municipal Administrative Service referred to in sub-section (1) shall, for the period of their service under the corporation, be governed by the provisions of this Act, the rules, the regulations or the bye-laws framed thereunder.

(3) Every corporation shall contribute such percentage of its revenues to the Municipal Administration Establishment Fund constituted under sub-section (1) of section 367 of the Karnataka Municipalities Act, 1964 in such manner and at such times as the Government may by order determine, to meet the expenditure in respect of, salaries, allowances, pension, provident fund, gratuities and other necessary expenses payable to the officers of the Karnataka Municipal Administrative Service referred to in sub-section (1), for the period of their service under the corporation.

(4) If the corporation fails to pay the amount required to be paid under sub-section (3), the Government may direct the officer having custody of the corporation fund to pay such amount or so much thereof as is possible from the balance of the corporation fund in his hands.

85. Appointment to other posts on the corporation establishment.—(1) Subject to the provision of sections 86 and 87 appointment to posts on the corporation establishment other than the posts borne on the cadres of the Karnataka Municipal Administrative Service, and the posts referred to in section ****83 shall be made by the Commissioner in accordance with this Act, the rules and the regulations framed thereunder.

* * * * * * * *

(2) If any officer appointed under sub-section (1) is a Government servant, he shall be entitled to leave and other privileges in accordance with the rules and regulations applicable to the Government service to which he belongs and in force for the time being and the corporation shall make such contribution towards his salary, leave allowances, pension and provident fund as may be payable under such rules and regulations by him or on his behalf.

86. Special appointments.—The corporation may appoint.—

(a) special health officers for the purpose of making investigations and proposing preventive or remedial measures with special reference to the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the city;

(b) engineers, architects or experts in town improvement or town planning for the purpose of preparing, executing or supervising any scheme of work undertaken by the corporation;

(c) special revenue officers for the purpose of introducing a new tax or discharging any duty connected with the revenue administration of the corporation:

Provided that—

(i) no such special office shall be created without the sanction of the Government;

(ii) the period of duration of any such officer, the salary, the allowances and the conditions of service attaching thereto shall be fixed by the corporation, subject to the sanction of the Government, and shall not be varied without the like sanction.

87. Power of Government to appoint special health officers.—In the event of the occurrence of any unusual

mortality or the prevalence or apprehended outbreak of any dangerous disease within the city, the Government, if it considers that immediate action is necessary, may, on its own motion appoint a special health officer wholly or partly at the expense of the corporation fund:

Provided that—

(a) such appointment shall not be for more than six months; and

(b) the corporation shall not be bound to pay more than five hundred rupees per mensem on account thereof.

88. Contribution in respect of Government servants.—(1) If an officer or servant serving or having served under the corporation is or has been transferred from or to the service of the Government or is employed partly under the Government and partly by the corporation, the corporation shall make such contribution towards his leave allowances, pension and provident fund as may be required to be made by him or on his behalf under the rules and regulations of the branch of Government service to which he belongs.

(2) Every Government servant employed by the corporation shall be entitled to salary, leave and other privileges in accordance with the rules and regulations of the branch of Government service to which he belongs.

89. Establishment schedule.—(1) The Commissioner shall, lay before the standing committee for taxation and finance a Schedule setting for the designations and grades of the officers and servants who should in his opinion consitute the corporation establishment, and embodying his proposals with regard to the salaries, fees and allowances payable to them.

(2) The standing committee may either approve or amend such Schedule as it thinks fit and shall lay it before the corporation with its remarks, if any.

(3) The corporation shall sanction such schedule with or without modifications as it thinks fit and may from time to time amend it at the instance of the Commissioner and standing committee :

Provided that no new office shall be created without the sanction of the Government if the maximum monthly salary exceeds three hundred and fifty rupees.

(4) No officer or servant shall be entertained on the corporation establishment unless he is a member of the Karnataka Municipal Administrative Service, or has been appointed under section 83, section 86 or section 87 or unless his office and emoluments are included in the Schedule sanctioned under sub-section (1).

90. Reservation of posts for appointment.—In making appointments the appointing authority shall reserve adequate number of posts for the Scheduled Castes, the Scheduled Tribes and socially and educationally backward classes of citizens in the same manner and to the same extent as is applicable for the recruitment to posts in the State Civil Services.

91. Punishment for corporation officers and other employees.—(1) Every corporation officer or other corporation employee shall be liable to have his increments or promotion with-held or to be censured, reduced in rank, compulsorily retired, removed or dismissed for any breach of any departmental rules or regulations or of discipline or for carelessness, unfitness, neglect of duty or other misconduct by such authority as may be prescribed :

Provided that no such officer or other employee as aforesaid shall be reduced in rank, compulsorily retired. removed or dismissed by any authority subordinate to that by which he was appointed :

Provided further that the corporation employees belonging to such classes or categories as may be prescribed in the rules shall be liable also to be fined by such authority as may be specified therein.

(2) No such officer or other employee shall be punished under sub-section (1) unless he has been given a reasonable opportunity of showing case against the action proposed to be taken in regard to him :

Provided that this sub-section shall not apply—

(a) where an officer or other employee is removed or dismissed on the ground of conduct which has led to his conviction on a criminal charge; or

(b) where the authority empowered to remove or dismiss such officer or other employee is satisfied that for some reasons to be recorded by that authority it is not reasonably practicable to give that person an opportunity or showing case.

(3) If any question arises whether it is reasonably practicable to give to any officer or other employee an opportunity of showing cause under sub-section (2) the decision thereon of the authority empowered to remove or dismiss such officer or other employee shall be final.

(4) Any officer or other employee upon whom a punishment has been imposed under this section may appeal to such officer or authority as may be prescribed.

92. Power of Government to make rules regarding the conditions of service applicable to employees.—(1) The Government may by rules provide for the following matters namely :

(a) the tenure of office, salaries and allowances, provident fund, pension, gratuity, leave of absence and other conditions of service of officers and other employees appointed under this Chapter;

(b) the procedure to be followed in imposing any penalty under sub-section (1) of section 91, suspension pending departmental inquiries before the imposition of such penalty and the authority by whom such suspensions may be

ordered; the officer or authority to whom an appeal shall lie under sub-section (4) of that section;

(c) any other matter which is incidental to or necessary for the purpose of regulating the appointment and conditions of service of persons appointed to services and posts under the corporation and any other matter for which in the opinion of the Government provision should be made by rules.

CHAPTER VIII

Essential Services

93. Declaration of Essential Services, etc.—(1) The corporation may from time to time declare such classes of its services as it considers necessary to be essential service.

(2) No member of an essential service shall,—

(a) without the written permission of the Commissioner or any officer authorised by him in this behalf, resign his office, withdraw or absent himself from the duties thereof without at least two months' notice given in writing to the Commissioner, except in the case of illness or accident disabling him for the discharge of his duties or other reason accepted as sufficient by the Commissioner or such officer; or

(b) neglect or refuse to perform his duties or wilfully perform them in a manner which, in the opinion of the Commissioner or such officer, is inefficient.

94. Power of Government to declare emergency.—If the Government is of the opinion that the stoppage or the cessation of the performance of any of the essential services will be prejudicial to the safety or health or the maintenance of services essential to the life of the community in

the corporation, it may, by notification declare that an emergency exists in the city and that in consequence thereof no member of such of the essential services and for such period as may be specified in the notification, notwithstanding any law for the time being in force or any agreement, shall,—

(a) withdraw or absent himself from his duties except in the case of illness or accident disabling him from the discharge of his duties, or

(b) neglect or refuse to perform his duties or wilfully perform them in a manner which in the opinion of such officer as the Government may specify in this behalf, is inefficient.

CHAPTER IX

Power of Government

95. Power of Government to call for records and to cause inspection to be made.—The Government may at any time require the corporation or the Commissioner—

(a) to produce any record, proceedings, correspondence, plan, or other document;

(b) to furnish any return, plan, estimate, statement, acocunt or statistics relating to the proceedings, duties or works of the corporation or any of the municipal authorities;

(c) to furnish or obtain and furnish, any report.

(2) The Government may depute any officer to inspect or examine any corporation department or office or any service or work undertaken by the corporation or any of the municipal authorities or any property belonging to the corporation and to report thereon and the corporation and every municipal authority and all corporation officers and other corporation employees shall be bound to afford the officer so deputed, access at all reasonable times to the premises and properties of the corporation and to all records, accounts and other documents the inspection of

which he may consider necessary to enable him to discharge his duties.

96. Power of Government to take action in respect of matters pending undisposed of before the corporation:—(1) The Government may at any time call for from the Commissioner the records relating to the business pending before a corporation and on receipt of such records, the Government may examine the same.

(2) If on such examination and after such enquiry it thinks necessary, it is found that in respect of any matter which is pending before the corporation, for more than three months from the date on which any such matter was brought before the corporation or is pending before a standing committee for more than sixty days after it was placed before it, urgent decision is necessary in the interest of administration of the corporation, then the Government may notwithstanding anything in this Act,—

(i) after giving the corporation notice of not less than fifteen days, pass such orders with reference to such matter as it considers necessary ; or

(ii) direct that the matter pending before the standing committee shall be deemed to be referred to the corporation and be disposed of on that basis :

Provided that no such notice shall be necessary in respect of any matter pending before the corporation which is of public importance and the decision of the Government whether the matter is of public importance or not, shall be final.

(3) Every order passed by Government under this section shall be communicated to the Commissioner who shall give effect to such order expeditiously as if such order is a resolution of the corporation.

* * * * * * * * *

97. Government's power to direct the taking of action.—If, on receipt of any information or report

* * * * * * *

obtained under sections 95 and 96 or otherwise the Government is of opinion—

(a) that any duty imposed on any corporation authority by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner; or

(b) that adequate financial provision has not been made for the performance of any such duty,

the Government may, after giving notice of not less than fifteen days, by order, direct the corporation or the Commissioner within a period to be specified in the order, to make arrangements to their satisfaction for the proper performance of the duty, or to make financial provision to its satisfaction for the performance of the duty, as the case may be, and the corporation or the Commissioner shall comply with such orders :

Provided that no notice shall be necessary in urgent cases.

98. Government's power to appoint a person to take action in default, at expense of corporation.—(1) If, within the period fixed by an order issued under section 97 any action directed under that section has not been duly taken, the Government may, by order—

(a) appoint some person to take the action so directed ;

(b) fix the remuneration to be paid to him; and

(c) direct that such remuneration and the cost of taking such action shall be defrayed out of the corporation fund, and if necessary, that any one or more of the taxes authorised by Chapter X of this Act shall be levied or increased but not so as to exceed any maximum laid down in this Act.

(2) For the purpose of taking action directed as aforesaid, the person appointed under sub-section (1) shall have power to make such contracts as are necessary, may exercise any of the powers conferred on any municipal authority

by or under this Act and specified in this behalf in the order issued under sub-section (1), and shall be entitled to protection under this Act as if he were a municipal authority.

(3) The Government may, in addition to or instead of, directing the levy or increase of any of the said taxes, direct by notification that any sum or money which may in their opinion be required for giving effect to their orders be borrowed by debenture and on the security of all or any of the said taxes at such rate of interest and upon such terms as to the time of re-payment and otherwise as may be specified in the notification.

(4) The provisions of sections 158 to 169 shall, as far as may be, apply to any loan raised in pursuance of this section.

99. Submission of copies of proceedings, and resolution to Government and Government's power to cancel resolution and orders.—(1) The Commissioner shall submit to the Government copies of all proceedings and resolutions of the corporation.

(2) If the Government is of opinion that the execution of any resolution or order of the corporation or of any other authority or officer subordinate thereto or the doing of any act which is about to be done or is being done by or on behalf of the corporation is in contravention of or in excess of the powers conferred by this Act or of any other law for the time being in force or is likely to lead to a breach of the peace or to cause injury or annoyance to the public or to any class or body of persons or is prejudicial to the interests of the corporation the Government may by order in writing, suspend the execution of such resolution or order, or prohibit the doing of any such act after issuing a notice to the corporation to show cause within a date to be specified which shall not to be less than fifteen days why,

(a) the resolution or order may not be cancelled in whole or in part, or

(b) any bye-law or regulation concerned may not be repealed in whole or in part.

(3) Upon consideration of the reply if any received from the corporation and after such enquiry as it thinks fit, the Government may pass orders cancelling the resolution or order or repealing the bye-law or regulation and communicate the same to the corporation.

(4) The Government may at any time, on further representation by the corporation or otherwise, revise, modify or revoke an order passed under sub-section (3).

100. Power of Government to supersede corporation.—(1) If in the opinion of the Government the corporation is not competent to perform or makes default in the performance of any of the duties imposed on it or undertaken by it, by or under this Act or any other law for the time being in force or exceeds or abuses its powers or fails to carry out the directions or orders given by the Government to it under this Act or any other law or is acting in a manner prejudicial to the interests of the corporation, the Government may, by an order published, together with a statement of the reasons therefor, in the official Gazette, declare the corporation to be incompetent or in default or to have exceeded or abused its powers, or to have failed to carry out the directions given to it, or to have acted in a manner prejudicial to the interests of the corporation as the case may be, and may supersede it for a period to be specified in the order :

Provided that before making an order of supersession as aforesaid reasonable opportunity shall be given to the corporation to show cause why such order should not be made.

(2) When the corporation is superseded by an order under sub-section (1), the following consequences shall ensue,—

(a) all the councillors of the corporation shall, on such date as may be specified in the order, cease to hold

office as such councillors without prejudice to their eligibility for election under sub-section (8);

(b) during the period of supersession of the corporation, all powers and duties conferred and imposed upon the corporation and the standing committees of the corporation by or under this Act or any other law shall be exercised and performed by an Administrator appointed by the Government in that behalf;

(c) all property vested in the corporation shall until it is reconstituted, vest in the Government.

(3) The Government may direct that the Administrator shall be a whole-time officer, and when such a direction is issued, he shall be paid out of the corporation funds such monthly salary and allowances as the Government may from time to time, by order, determine and the corporation shall make such contribution towards the leave allowances, pension and provident fund of the officer as may be required by the conditions of service under the Government, to be paid by him or for him, as the case may be.

(4) During the period of supersession of the corporation, references in any enactment or law for the time being in force to the Mayor of the corporation shall be construed as references to the Administrator appointed under clause (b) of sub-section (2).

(5) During the period of supersession of the corporation, in the discharge of his functions the Administrator shall be guided by such directions in matters of policy involving public interest as the Government may by order specify; and if any question arises whether a direction relates to a matter of policy involving public interest the decision of the Government shall be final.

(6) The Government may, by notification, appoint an advisory committee to assist the Administrator appointed under this section consisting of such number of persons being not less than fifteen and not more than twenty-five

as may be determined by the Government who shall be persons qualified to become councillors under this Act.

(7) If, after enquiry made, the Government so directs then, notwithstanding the expiry of the term of the councillors of the superseded corporation, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Government for the reconstitution of the corporation.

(8) After the corporation is superseded it shall be reconstituted by the election of councillors under the provisions of this Act and the rules made thereunder applicable thereto,—

(a) if no direction has been made under sub-section (7) before such date as is fixed in the order of supersession; and

(b) if a direction has been made under sub-section (7) before such date as is fixed under that sub-section.

(9) At any time after an order is made under this section the Government may, by order published in the official Gazette together with a statement of the reasons thereon curtail the period of supersession and direct that before the expiry of the period as curtailed, the corporation shall be reconstituted by the election of councillors under the provisions of this Act and the rules made thereunder.

(10) An order of supersession of the corporation under sub-section (1) or an order under sub-section (7) or an order under sub-section (9) together with a statement of the reasons therefor shall be laid before both Houses of the State Legislature as soon as may be after it is made.

101. Power to appoint Administrator in certain cases.—(1) Whenever,—

(a) the ordinary elections to the corporation under this Act or any proceedings consequent thereon have been stayed by an order of competent court or authority;

(b) the election of all the councillors or more than two-thirds of the councillors has been declared by a competent court or authority to be void;

(c) the term or the extended term of office of the councillors has expired and the new corporation has not been constituted in accordance with the provision of this Act; or

(d) all the councillors or more than two-thirds of the councillors have resigned,

the Government shall, by notification appoint an Administrator, for such period as may be specified in the notification and may, by like notification, curtail or extend the period of such appointment.

(2) Notwithstanding anything contained in this Act, on the appointment of an Administrator under this section, during the period of such appointment, the corporation, the standing committees of the corporation and the Mayor, the Deputy Mayor and other authorities other than the Commissioner, charged with carrying out the provisions of this Act or any other law, shall cease to exercise any powers and perform and discharge any duties or functions conferred or imposed on them by or under this Act or any other law, and all such powers shall be exercised and all such duties and functions shall be performed and discharged by the Administrator.

(3) The provisions of sub-sections (3), (4) and (5) of section 100 shall **mutatis mutandis** be applicable in respect of the Administrator appointed under sub-section (1).

102. Maximum period of supersession etc.—No order of supersession or appointment of Administrator under section 100 or section 101 shall remain in force for a period exceeding one year:

Provided that for reasons to be recorded in writing the Government may continue such order for a further period not exceeding six months:

Provided further that such order shall continue for a period beyond one year and six months if for reasons

beyond the control of Government, which shall be recorded in writing, it is necessary to do so.

103. Revision.—The Government may call for the records of any proceedings of a corporation, a standing committee, the Commissioner or any officer subordinate to the corporation for purposes of satisfying itself as to the correctness, legality or propriety of any order or proceeding and may after giving a reasonable opportunity of being heard pass such order with respect thereto as it thinks fit, which shall be complied with.

* * * * * *

CHAPTER X

TAXATION

Enumeration of Taxes

104. Taxes which may be imposed.—Subject to the general or special orders of the Government, a corporation shall,—

(a) after observing the preliminary procedure required by section 105, and

(b) with the sanction of the Government and at rates not exceeding those specified in Schedules III to IX, levy any one or more of the following taxes :—

(i) a tax on buildings or lands or both situated within the city (hereinafter referred to as the property tax) ;

(ii) a profession tax ;

(iii) a tax on carriages and animals ;

(iv) a tax on carts ;

(v) an octroi on animals or goods or both specified in Schedule VII brought into the corporation limits for consumption, use or sale therein ;

(vi) a toll on vehicles other than motor vehicles paying vehicles tax under the Karnataka Motor Vehicles Taxation Act, 1957 (Karnataka Act 35 of 1957) entering the corporation limits ;

(vii) a tax on advertisement;

(viii) a duty on certain transfers of property in the shape of an additional stamp duty;

(ix) a general sanitary cess for the construction or maintenance, or both of public privies and for the removal and disposal of refuse;

(x) a water-rate or water-rates for water supplied by the corporation which may be imposed in the form of a tax assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case.

105. Procedure preliminary to imposing a tax.—A corporation, before imposing a tax, shall observe the following preliminary procedure:—

(a) it shall, by resolution passed at a total general meeting, select for the purpose one or other of the taxes specified in section 104 and in such resolution specify so for as may be applicable—

(i) the classes of persons or of property or of both which the corporation proposes to make liable and any exemptions which it proposes to make;

(ii) the amount or rate at which the corporation proposes to assess each such class;

(iii) in the case of an octroi, the octroi stations;

(b) when such resolution has been passed, the corporation shall publish in the official Gazette and in such other manner as may be prescribed, a notice of such resolution in the prescribed form;

(c) any inhabitant of the city objecting to the imposition of the said tax or to the amount or rate proposed or to the classes of persons or property to be made liable thereto or to any exemptions proposed, may, within one month from the publication in the official Gazette of the said

notice, send his objection in writing to the corporation; the corporation shall take all such objections into consideration, or shall authorise standing committee for taxation and finance to consider the same and report thereon and unless it decides to abandon the proposed tax, shall submit such objections with its opinion thereon and any modifications proposed in accordance therewith, together with a copy of the notice aforesaid to the Government.

106. Power to sanction, modify and impose conditions.—The Government may either refuse to sanction the resolution submitted under section 104 or may return it to the corporation for further consideration, or if no objection which is in its opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said resolution either,—

(a) without modification, or

(b) subject,

(i) to such modifications not involving an increase of the amount to be imposed, or

(ii) to such conditions as to the application within the corporation to any purpose or purposes of this Act, specified in such conditions, of the whole or any part of the proceeds of such tax as it deems fit.

107. Publication of sanctioned resolutions with notice.—(1) All resolutions sanctioned under section 105 with all modifications subject to which the sanction is given shall be published by the corporation in the official Gazette and in the offices of the corporation in the city together with a notice reciting the sanction and the date and number thereof, and the tax as prescribed by the resolution so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the

corporation in accordance with all conditions, if any, subject to which the sanction is given under section 106 :

Provided that—

(a) a tax leviable by the year,—

(i) shall not come into force except on one of the following dates, namely, the first day of April, the first day of July, the first day of October, the first day of January in the official year in which such notice is published, and

(ii) if it comes into force on any day other than the first of April shall be leviable by the quarter till the first day of April then next ensuing ;

(b) on or before the day on which a notice is issued under this section, the corporation shall publish further details as may be required, as regards the dates on which the tax or the instalments, if any, thereof, shall be payable ;

(c) if the levy of tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except in regard to the unpaid arrears which may have become due during that period.

(2) The publication of a notice under this section shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act and the rules or bye-laws made thereunder.

108. Power to suspend, reduce or abolish any existing tax. (1) A corporation may, except as otherwise provided in clause (b) of the proviso to section 150 at any time for sufficient reason suspend, modify or abolish any existing tax.

(2) The provisions of this Chapter relating to the imposition of taxes shall apply so far may be to the suspension, modification or abolition of any tax.

109. Description and class of property tax.—(1) If a corporation by a resolution determines that a property tax shall be levied, such tax shall be levied on all buildings

and lands within the city save those exempted by or under this Act or any other law.

(2) The property tax shall be levied, at such percentage, not being less than twenty per cent and not more than twenty-five per cent of the rateable value of buildings and lands as may be fixed by the corporation:

Provided that the percentage so fixed may be different in different areas and for different classes of buildings and lands.

Explanation.—For purposes of this section, 'building' includes any land appurtenant to such building used as garden and grounds for the more beneficial enjoyment of such building, not exceeding thrice the area occupied by such building.

(3) For the purposes of assessing the property tax, the rateable value of any building or land shall be determined by the Commissioner:

Provided that the rateable value of any building or land the tax for which is payable by the Commissioner shall be determined by the Mayor.

110. Method of assessment of property tax.—(1) Every building shall be assessed together with its site and other adjacent premises occupied as appurtenances thereto unless the owner of the building is a different person from the owner of such site or premises.

(2) The rateable value of a building or land shall be deemed to be the gross annual rent at which such building or land may at the time of assessment reasonably be expected to let from month to month or from year to year less a deduction in the case of buildings only of sixteen and two-thirds per cent of such annual rent and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever:

Provided that—

(a) in the case of—

(i) any Government or railway building; or

(ii) any building of a class not ordinarily let, the gross annual rent of which cannot in the opinion of the Commissioner be estimated,

the rateable value of the premises shall be deemed to be six per cent of the total of the estimated market value of the land at the time of assesment and the estimated cost of erecting the building at such time after deducting for depreciation a reasonable amount which shall in no case be less than ten per cent of such cost, and

(b) machinery and furniture shall be excluded from valuations under this section.

111. General exemptions.—The following buildings and lands shall be exempted from the property tax :—

(a) places set apart for public worship and either actually so used or used for no other purpose ;

(b) choultries for the occupation of which no rent is charged and choultries the rent charged for occupation of which is used exclusively for charitable purposes ;

(c) places used for the charitable purpose of sheltering the destitute or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by the Government ;

(d) such ancient monuments protected under the Karnataka Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961 and the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958) or parts thereof as are not used as residential quarters or public offices ;

(e) charitable hospitals and dispensaries but not including residential quarters attached thereto ;

(f) such hospitals and dispensaries maintained by railway administrations as may from time to time be notified by the Government, but not including residential quarters attached thereto ;

(g) burial and burning grounds included in the list published by the Commissioner under sub-section (3) of section 399;

(h) Government lands set apart free for recreation purposes and all such other land belonging to the Government from which in the opinion of the Government no income could be derived as may be notified by the Government;

(i) building or lands exclusively used for,—

(a) students hostels which are not established or conducted for profit;

(b) educational purposes by recognised educational institutions;

(c) the offices of Labour Associations registered under the Trade Union Act, 1926 and belonging to such Association;

(j) buildings or lands belonging to the Central Government or any State Government used for purposes of Government and not used or intended to be used for residential or commercial purposes;

(k) buildings or lands belonging to the City of Mysore Improvement Trust Board, the City of Bangalore improvement Trust Board, the Karnataka Housing Board or any local authority the possession of which has not been delivered to any person, in pursuance of any grant, allotment or lease;

(l) land which is registered as land used for agricultural purposes in the revenue accounts of Government and is actually used for the cultivation of crops:

Provided that nothing contained in clauses (a), (c) and (e) shall be deemed to exempt from property tax, any building or land for which rent is payable by the person or persons using the same for the purposes referred to in the said clauses:

Provided further that for purposes of clause (j), a certificate issued by the Government or any officer duly

authorised by the Government that any building or land is used for purposes of Government and not used or intended to be used for residential or commercial purposes shall be binding on the corporation.

112. Property tax a first charge on property and movables.—The property tax on building and lands shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge upon the said buildings or lands and upon the movable property, if any, found within or upon such buildings or lands and belonging to the person liable to such tax.

113. Property tax from whom and when payable.—(1) Subject to the provisions of sub-section (2), the property tax shall be primarily payable as follows, namely :—

(a) if the premises are held immediately from the Government or the corporation, from the actual occupier thereof :

Provided that the property tax due in respect of buildings or lands vesting in the Government and occupied by servants of the Government or other persons, on the Government ;

(b) if the premises are not so held—

(i) from the lessor if the premises are let ;

(ii) from the superior lessor if the premises are sub-let ;

(iii) from the person in whom the right to let the premises vests, if they are unlet.

(2) If any land has been let for any term exceeding one year to a tenant and such tenant or any person deriving title howsoever from such tenant has built upon the land, the property tax assessed upon the said land and upon the building erected thereon shall be primarily payable by the said tenant or such person whether or not the premises be in the occupation of the said tenant or the person.

(3) The property tax shall be paid by the person primarily liable within sixty days after the commencement of every half-year.

(4) If default is made in making payment in accordance with sub-section (3), the person liable to pay the tax shall pay a penalty at the rate of five per cent per annum of the amount of tax remaining unpaid after the expiry of the period specified in sub-section (3)

Provided that the Commissioner may, if in his opinion there is sufficient cause for the delay in making the payment of the property tax, remit the whole or any part of the penalty payable in respect of any half-year by any person.

(5) If any premises assessed to property tax is let and its rateable value exceeds the amount of rent payable in respect thereof to the person upon whom under the provisions of this section the said tax is leviable, that person shall be entitled to receive from his tenant the difference between the amount of property tax levied upon him and the amount which would be leviable upon him if the said tax was calculated on the amount of rent payable to him.

(6) If the land or building is sub-let and its rateable value exceeds the amount of rent payable in respect thereof to the tenant by his sub-tenant, or the amount of rent payable in respect thereof, to a sub-tenant by the person holding under the sub-tenant, the tenant shall be entitled to receive from his sub-tenant or the sub-tenant shall be entitled to receive from the person holding under him, as the case may be, the difference between any sum recovered under this section from such tenant or sub-tenant and the amount of property tax which would be leviable in respect of the said premises if the rateable value thereof were equal to the difference between the amount of rent which such tenant or sub-tenant receives and the amount of rent which he pays.

(7) Any person entitled to receive any sum under this section shall have, for the recovery thereof, the same rights

and remedies as if such sum were rent payable to him by the person from whom he is entitled to receive the same.

114. Vacancy remission—(1) When any building whether ordinarily let or occupied by the owner himself has been vacant and unlet for thirty or more consecutive days in any half-year, the Commissioner shall remit so much, not exceeding one-half of such portion of the tax as relates to the building only as is proportionate to the number of days during which the building was vacant and unlet in the half-year.

(2) Every claim for remission under sub-section (1) shall be made during the half-year in respect of which the remission is sought or in the following half-year and not afterwards.

(3) (a) No claim for such remission shall be entertained unless the owner of the building or his agent has previously thereto delivered a notice to the Commissioner.--

(i) that the building is vacant and unlet; or

(ii) that the building will be vacant and unlet from a specified date either in the half-year in which notice is delivered or in the succeeding half-year.

(b) The period in respect of which the remission is made shall be calculated—

(i) if remission is sought in respect of the half-year in which notice is delivered, from the date of delivery of the notice or from the date on which the building became vacant and unlet, whichever is later: and

(ii) if remission is sought in respect of the half-year succeeding that in which the notice is delivered, from the commencement of the half-year in respect of which remission is sought or from the date on which the building became vacant and unlet, whichever is later.

(c) Every notice under clause (a) shall expire with the half-year succeeding that during which it is so delivered, and shall have no effect thereafter.

115. Obligation of transferor and transferee to give notice of transfer.—(1) Whenever the title of any person primarily liable to the payment of the property tax on any premises to or over such premises is transferred, the person whose title is transferred and the person to whom the same shall be transferred shall, within three months after the execution of the instrument of transfer or after its registration if it be registered or after the transfer is effected, if no instrument be executed, give notice of such transfer to the Commissioner.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred as heir or otherwise shall give notice of such transfer to the Commissioner within one year from the death of the deceased.

(3) The notice to be given under this section shall be in such form as the Commissioner may direct and the transferee or the person to whom the title passes, as the case may be, shall, if so required, be bound to produce before the Commissioner any documents evidencing the transfer or succession.

(4) Every person who makes a transfer as aforesaid without giving such notice to the Commissioner shall in addition to any other liability which he may incur through such neglect continue to be liable for the payment of the property tax assessed on the premises transferred until he gives notice or until the transfer shall have been recorded in the corporation registers, but nothing in this section shall be held to affect—

(a) the liability of the transferee for the payment of the said tax, or

(b) the prior charge of the corporation under section 112.

(5) Notwithstanding anything contained in this Act, in respect of any building or land belonging to the City of Mysore Improvement Trust Board, the City of Bangalore Improvement Trust Board or the Karnataka

Housing Board or any local authority the possession of which has been delivered to any person in pursuance of any grant, allotment or lease by the Board or local authority concerned, the transfer of title of any person primarily liable to the payment of property tax shall not be recorded in the corporation registers without consulting the Board or local authority concerned.

116. Owner's obligation to give notice of construction or re-construction or demolition of building.— (1) (a) If any building in the city is constructed or re-constructed, the owner shall give notice thereof to the Commissioner, within fifteen days from the date of completion or occupying of the building whichever is earlier.

(b) If such date falls within the last two months of a half-year, the owner shall, subject to notice being given under clause (a), be entitled to a remission of the whole of the tax or enhanced tax, as the case may be, payable in respect of the building only, for that half-year.

(c) If such date falls within the first four months of a half-year, the owner shall, subject to notice being given under clause (a), be entitled to a remission of so much not exceeding a half of the tax or enhanced tax, as the case may be, payable in respect of the building only, for that half-year as is proportionate to the number of days in that half-year preceding such date.

(2) (a) If any building in the city is demolished or destroyed, the owner shall, until notice thereof is given to the Commissioner, be liable for the payment of the property tax for which he would have been liable had the building not been demolished or destroyed.

(b) If such notice is given within the first two months of a half-year, the owner shall be entitled to a remission of the whole of the tax payable in respect of the building only, for that half-year.

(c) If such notice is given within the last four months of a half-year, the owner shall be entitled to a remission

of so much, not exceeding a half of the tax payable in respect of the building only, for that half-year as is proportionate to the number of days in that half-year succeeding the demolition or destruction, as the case may be.

117. Remission of tax in areas included or extended in the middle of half-year.—(1) If any area is included in the city, the owner of every building or land in such area shall,—

(a) if the date of such inclusion falls within the last two months of a half-year, not be liable to pay any property tax in respect thereof for that half-year; and

(b) if such date falls within the first four months of a half-year, be entitled to a remission of so much, not exceeding a half of the property tax payable in respect thereof for that half-year as is proportionate to the number of days in that half-year preceding such date.

(2) If any area is excluded from the city, the owner of every building or land in such area shall be entitled.—

(a) if the date of such exclusion falls within the first two months of a half-year, to a remission of the whole of the property tax payable in respect thereof for that half-year; and

(b) if such date falls within the last four months of a half-year, to a remission of so much, not exceeding a half of the property tax payable, in respect thereof for that half-year as is proportionate to the number of days in that half-year succeeding such date.

(3) No remission shall be granted under sub-section (2) in respect of any building or land unless an application for such remission is made to the Commissioner within three months from the date of the exclusion of the area in which the building or land is situated.

118. Commissioner's power to call for information and to enter upon premises and to condone omission to give notice.—(1) For the purpose of assessing the property

tax, the Commissioner may, by notice, call upon the owner or occupier of any building or land to furnish him within thirty days after the service of the notice where the notice is served upon the Government, a railway administration or a company and within fourteen days after such service in other cases, with returns of the rent payable for the building or land, the cost of erecting the building, and the measurements of the land and with such other information as the Commissioner may require and every owner or occupier upon whom any such notice is served shall be bound to comply with it and to make a true return to the best of his knowledge or belief.

(2) For the purpose aforesaid the Commissioner may enter, inspect, survey and measure any building or land after giving twenty-four hours' notice to the owner or occupier.

(3) The Commissioner may, at his discretion condone omissions to give notice under sections 114, 115, 116 or 117 giving his reasons in writing for every such condonation.

119. Tax on profession, arts, callings, business and appointments.—(1) If the corporation by a resolution determines that a profession tax shall be levied, every person who after the date specified in a notice in this behalf published under section 105 in any half-year,—

(a) exercise a profession, art or calling or transacts business or holds any appointment, public or private,—

(i) within the city for not less than sixty days in the aggregate; or

(ii) outside the city but who resides in the city for not less than sixty days in the aggregate; or

(b) resides in the city for not less than sixty days in the aggregate and is in receipt of any pension or income from investments,

shall pay in addition to any license fee that may be leviable under this Act, a half-yearly tax, assessed in accordance

with the rules in Schedule III but in no case exceeding two hundred rupees.

Explanation 1:—A person shall be deemed to have exercised a profession, art or calling or held an appointment within the city, if the person has an office or place of employment within the city.

Explanation 2.—A touring officer whose headquarters is within the city shall be liable for the payment of profession tax even though he has not stayed at headquarters for the period specified in this sub-section provided that his connection with the appointment has subsisted for such period.

Explanation 3.—Any amount received by a person in commutation of his pension or any portion of his pension, shall not be deemed to be a pension within the meaning of this sub-section.

(2) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax.

(3) Nothing contained in this section shall be deemed to render a person who resides within the local limits of any local authority and exercises his profession, art or calling or transacts business or holds any appointments within the limits of any other local authority or authorities, liable to profession tax for more than the higher of the amounts of the tax leviable by any of the local authorities. In such a case the Government shall apportion the tax between the local authorities in such manner as may deem fit and the decision of the Government shall be final.

(4) The profession tax leviable from a firm, association or joint Hindu family may be levied from any adult member of that firm, association or family.

120. Payment when due and notice to pay.—(1) The expression "transacts business" in section 119 shall be deemed to include the doing of acts of business of what

ever nature, whether isolated or not, such as soliciting, obtaining or transmitting orders or buying, making, manufacturing, exporting, importing, receiving, transmitting or otherwise dealing with goods.

(2) Where for the purpose of transacting business within the city a person has an office or has an agent or firm to represent him, such person shall be deemed to transact business within the city, whether or not such office, agent or firm has power to make binding contracts on behalf of such person and the person in charge of such office or the agent or firm, as the case may be, shall be liable for the tax payable by such person.

(3) A person otherwise liable to profession tax under section 119, shall not cease to be liable to such tax by reason only of his head office or the place from which his business is controlled being situated outside the city or by reason only of the fact that his transactions are closed outside the city.

(4) If a person, proves that he has paid the sum due on account of the profession tax levied under this Act or under the Karnataka Municipalities Act, 1964, for the same half-year, to the corporation of the city or any other municipal council in Karnataka, such person shall not be liable, by reason merely of change of place of business, exercise of profession, art or calling, appointment or residence to pay to the corporation of the city or any municipal council more than the difference between such sum and the amount to which he is otherwise liable for the profession tax for the half-year under this Act or any of the aforesaid Acts.

(5) If the profession tax due from any person in respect of any half-year is not paid, the Commissioner shall cause a notice to be served on such person to pay such tax within fifteen days of the date of such service.

121. Requisition on owner or occupier or employers or their representatives to furnish list of persons liable to tax.—(1) The Commissioner may, by notice require the owner or occupier of any building or land and every

secretary or manager of a hotel, boarding or lodging house, club or residential chambers to furnish within a specified time a list in writing containing the names of all persons occupying such buildings, land, hotel, boarding or lodging house, club or residential chambers and specifying the profession, art, trade or calling or appointment of every such person and the rent, if any, paid by him and the period of such occupation.

(2) The Commissioner may by notice require the employer or the head or secretary or manager of any public or private office, hotel, boarding house or club, or of a firm or company—

(a) to furnish within a specified time a list in writing of the names of all persons employed by such employer or by such office, hotel, boarding house or club, firm or company as officers, servants, agents, suppliers or contractors with a statement of the salary or income of each of such employed persons ; and

(b) to furnish particulars in regard to any company of which such employer, head, secretary or manager, as the case may be, is the agent.

(3) All statements made, returns furnished or accounts or documents produced in connection with the assessment of profession tax by any person shall be treated as confidential and copies thereof shall not be granted to the public.

122. Provisions regarding tax on carriages and animals.—(1) If the corporation by a resolution determines that a tax on carriages and animals shall be levied, the Commissioner shall levy the said tax half-yearly on carriages and animals kept within the city which are of the kinds specified in Schedule VI.

(2) The rates of the tax shall be determined by the corporation, provided always that they shall not exceed the maxima laid down in Schedule VI.

(3) Every person having possession, custody or control of any taxable carriage or animal shall be liable for the full half-yearly tax if the carriage or animal has been kept

within the city for an aggregate period of not less than sixty days in the half-year.

(4) If such aggregate period exceeds fifteen days but is less than sixty days, a moiety only of the half-yearly tax shall be leviable.

(5) If such aggregate period does not exceed fifteen days, no tax shall be leviable for the half-year.

(6) Every person having possession custody or control of any taxable carriage or animal within the city shall, until the contrary is shown, be presumed to have kept the same within the city for sixty days in the half-year.

(7) Notwithstanding anything contained in sub-section (1), no person shall be liable to taxation during any half-year on account of any carriage or animal in respect of which the full tax for the same half-year has already been paid by some other person.

123. Exemptions.—The carriage and animal tax shall not be levied on,—

(a) carriages and animals belonging to the State Government or the Government of India ;

(b) carriages and animals belonging to councillors or members of the city police or officers or servants of the corporation employed on outdoor duties, provided that the exemption under this class shall extend only to a carriage or animal required to be kept by any such councillor, member, officer or servant for the discharging of his official duties ;

(c) carriages and animals kept solely for sale by carriage-makers and dealers ;

(d) carriages which have been under repair or standing at carriage-maker's workshop during the whole of the half-year ;

(e) animals which during the whole of the half-year have been kept in any institution for the reception of infirm or diseased animals or which are certified by a veterinary

surgeon to have been unfit for use during the whole of the half-year.

124. Composition.—With the sanction of the standing committee or in accordance with the regulations the Commissioner may compound, for any period not exceeding one year, with any livery stable-keeper or other person keeping carriages and animals for sale or hire, for a certain sum to be paid in lieu of the carriage and animal tax.

125. Requisition on occupier to furnish statement of persons liable to tax.—(1) The Commissioner may by notice require the occupier of any premises to furnish him with a statement,—

(a) showing the name and address of every person who has possession, custody or control of any carriage or animal which is kept in such premises and is liable to the carriage and animal tax ;

(b) containing a description of every such carriage or animal.

(2) The occupier shall sign the statement and transmit it to the corporation office within one week from the date of his receipt of the notice.

126. Payment of tax and grant of licence.—(1) Every person liable to pay tax on a carriage or animal under section 122 shall, not later than fifteen days from the date of commencement of the half-year concerned, pay the amount of such tax in respect of such carriage or animal.

(2) When any person pays the amount of tax due in respect of any carriage or animal, the Commissioner shall grant him a licence to keep such carriage or animal for the period to which the payment relates.

127. Power to require number to be affixed to carriage and tricycle.—(1) The Commissioner may direct that a corporation number shall be affixed—

(a) to every carriage let out for hire within the city, and

(b) to every tricycle kept within the city.

(2) The number affixed under sub-section (1) shall be registered in the corporation office.

128. General provisions regarding cart-tax.—(1) If the corporation by a resolution determines that a tax shall be levied on carts, the Commissioner shall levy the said tax half-yearly at the rate or rates which shall not exceed eight rupees per cart per half-year fixed by the corporation and from the date specified in a notice published for the purpose under section 105 on all classes of carts kept within the city :

Provided that no person shall be liable to tax during any half-year on account of any cart in respect of which the tax for the same half-year has already been paid by some other person :

Provided further that in the case of a single bullock cart the tax shall not exceed four rupees half-yearly :

Provided also that in fixing the said rates, the corporation shall have regard to the extent of damage caused by different classes of carts to the road.

(2) Every owner of any such cart shall register it once in every half-year in the corporation office.

(3) The Commissioner may direct that a corporation number shall be affixed to every registered cart.

(4) The Commissioner shall notify certain days in every half-year for the registration and numbering of carts and the payment of the tax.

(5) All registrations made and numbers affixed under this section shall be entered in a book to be kept for the purpose at the corporation office.

(6) Such book shall be open to the inspection of any tax-payer at all reasonable times without charge.

(7) Nothing in this section shall apply to,—

(a) gun carriages, ordnance carts or wagons or such other property of the State Government or the Government of India, and

(b) carts kept solely for sale by cart-makers and dealers.

129. Power to remit tax on carts kept for less than fifteen days or not used.—The Commissioner may remit the whole or a portion of the cart-tax in respect of any cart which is shown to his satisfaction to have been kept within the city for an aggregate period not exceeding fifteen days in the half-year or to have been under repair or standing at a cart-maker's workshop during the whole of the half-year.

130. Seizure of vehicles not bearing numbers.—If a corporation number is not affixed to a carriage or cart in pursuance of a direction issued under section 127 or 128 as the case may be, the Commissioner may, at any time seize and detain the vehicle and the animal, if any, by which it is drawn :

Provided that no vehicle other than a tricycle or rickshaw shall be seized or detained when actually employed in the conveyance of any passenger or goods.

131. Procedure after seizure.—(1) If a vehicle or animal is detained under section 130 and the owner or other person entitled thereto does not claim the same and pay the tax, if any, due thereon within ten days from the date of seizure, the Commissioner may direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of,—

(i) the tax, if any, due on the vehicle or animal sold ;

(ii) such penalty not exceeding the amount of the tax as the Commissioner may direct ; and

(iii) the charge incurred in connection with the seizure, detention and sale.

(2) If there is surplus after such payment, the Commissioner shall, on demand made within six months from the date of sale, make it over to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the corporation.

(3) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of,—

(i) the tax due thereon;

(ii) such penalty not exceeding the amount of the tax as the Commissioner may direct; and

(iii) the charges incurred in connection with the seizure and detention.

132. Octroi.—(1) If the corporation by a resolution determines that an octroi should be levied on animals or goods brought into the corporation limits for consumption, use or sale such octroi shall be levied on such articles or goods specified in Schedule VII at such rates not exceeding those laid down in the said Part in such manner as may be determined by the corporation.

(2) No octroi shall be levied on animals and goods belonging to the Government and used for purposes of Government and not used for commercial purpose.

133. Power to examine articles liable to octroi.—(1) Every person bringing into, or receiving from beyond the limits of the city any article on which octroi is payable shall, when required by an officer authorised in this behalf by the corporation and so far as may be necessary for ascertaining the amount of tax chargeable,—

(a) permit that officer to inspect, examine and weigh and otherwise deal with the article; and

(b) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article.

(2) If any person bringing into, or receiving from beyond the limits of the city any conveyance or package, shall refuse on the demand of an officer authorised by the corporation in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the

conveyance or package to be taken without unnecessary delay before a magistrate or such officer of the corporation, as the corporation appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

134. Presentation of bills for octroi.—(1) Every officer demanding octroi by the authority of the corporation shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

(2) If goods passing into the city are liable to the payment of octroi, then every person who, with the intention to defraud the corporation causes or abets the introduction of, or himself introduces or attempts to introduce within the limits of the city any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall on conviction by a magistrate be punishable with fine which may extend to ten times the value of such octroi or fifty rupees whichever is greater.

135. Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.—(1) Any person.—

(a) selling or keeping for sale without a licence any article liable to octroi and for the sale of which a licence is required to be obtained, or

(b) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained,

shall be liable, on conviction by a magistrate to a fine not exceeding ten times the octroi due on all the articles so sold or kept for sale or possessed or one hundred rupees, whichever is greater, and

(2) Any officer of the corporation authorised by the corporation in this behalf, if he has reason to believe that

any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained is kept or concealed in any premises may, after obtaining the warrant of a magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same :

Provided that any article so seized shall be produced before a magistrate exercising jurisdiction within the city within twenty-four hours from the time of such seizure ;

Provided further that nothing in this section shall apply to any article liable to octroi and for the sale of which a licence is required to be obtained, if the value of such article does not exceed two hundred rupees in value and if it is kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use ;

Provided also that any person so arrested shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) The provisions of the Code of Criminal Procedure 1973 (Central Act 2 of 1974) shall so far as may be apply to all searches and arrests effected under this section.

136. Power to seize article for non-payment of octroi.– (1) In the case of non-payment on demand of any octroi leviable by the corporation, the person appointed to collect such octroi may seize any article on which the octroi is chargeable which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the

person in possession of the article seized a list of the property.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi demanded be forthwith paid.

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the corporation office the amount of all expenses incurred and of the octroi payable, the Commissioner shall forthwith release the property seized.

(4) If no such tender is made, the property may be sold and the proceeds of such sale shall be applied in payment of such octroi and the expenses incidental to the seizure, detention and sale.

137. Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.—The corporation, if it thinks fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the limits of the city, may at any time direct, that an account current shall be kept on behalf of the corporation of octroi so due from any such firm or body as the corporation specifies in this behalf. Every such account shall be settled at intervals not exceeding one month. and such firm or public body shall make such deposit or furnish such security as the corporation or any committee or officer authorised by it in this behalf shall consider sufficient to cover the amount which may at any time be due from such firm or body in the respect of such dues. Every amount so due at the expiry of any such interval shall be deemed to be, and shall be recoverable in the same

manner as an amount claimed on occount of any tax recoverable under this Act.

138. Tax on advertisement.—Every person who erects, exhibits, fixes or retains upon or over any land building, wall or structure any advertisement or who displays any advertisement to public view in any manner whatsoever, in any place whether public or private, shall pay on every advertisement which is so erected, exhibited, fixed, retained or displayed to public view, a tax calculated at such rates and in such manner and subject to such exemptions, as the corporation may, with the approval of the Government, by resolution determine :

Provided always that the rates shall be subject to the maxima and minima laid down by the Government in this behalf :

Provided further that no tax shall be levied under this section on any advertisement or a notice—

(a) of a public meeting, or

(b) of an election to any legislative body or the corporation of the city, or

(c) of a candidature in respect of such an election:

Provided also that no such tax shall be levied on any advertisement which is not a sky-sign and which,—

(a) is exhibited within the window of any building ; or

(b) relates to the trade or business carried on within the land or building upon or over which such advertisement is exhibited, or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held upon or in the same ; or

(c) relates to the name of the land or building, upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building ; or

(d) relates to the business of any railways ; or

(e) is exhibited within any railway station or upon any wall or other property of a railway except any portion of the surface of such wall or property fronting any street.

Explanation 1.—The word 'structure' in this section shall include any movable board on wheels used as an advertisement or an advertisement medium.

Explanation 2.—The expression 'sky-sign' shall, in this section, mean any advertisement, supported on or attached to any post, pole, standard, frame-work or other support wholly or in part upon or over any land, building, wall or structure which, or any part of which sky-sign shall be visible against the sky from some point in any public place and includes all and every part of any such post, pole, standard, frame-work or other support. The expression 'sky-sign' shall also include any balloon, parachute or other similar device employed wholly or in part for the purposes of any advertisement upon or over any land, building or structure or upon or over any public place but shall not include,—

(a) any flag-staff, pole, van or weather-cock, unless adapted or used wholly or in part for the purpose of any advertisement; or

(b) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof:

Provided that such board, frame or other contrivance be of one continuous face and not openwork, and do not extend in height more than one metre above any part of the wall, or parapet or ridge to, or against, or on which it is fixed or supported; or

(c) any advertisement relating to the name of the land or building, upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or

(d) any advertisement relating exclusively to the business of a railway, and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway, and so placed that it cannot fall into any street or public place; or

(e) any notice of land or buildings to be sold, or let, placed upon such land or buildings.

Explanation 3.—'Public place' shall, for the purpose of this section, mean any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not.

139. Prohibition of advertisements without written permission of Commissioner.—(1) No advertisement shall, after the levy of the tax under section 138 has been determined upon by the corporation, be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure within the city or shall be displayed in any manner whatsoever in any place without the written permission of the Commissioner.

(2) The Commissioner shall not grant such permission if—

(i) the advertisement contravenes any bye-law made by the corporation; or

(ii) the tax, if any, due in respect of the advertisement has not been paid.

(3) Subject to the provisions of sub-section (2), in the case of an advertisement liable to the advertisement tax, the Commissioner shall grant permission for the period to which the payment of the tax relates and no fee shall be charged in respect of such permission:

Provided that the provisions of this section shall not apply to any advertisement erected, exhibited, fixed or retained on the premises of a railway relating to the business of a railway.

140. Permission of the Commissioner to become void in certain cases.—The permission granted under section 139 shall become void in the following cases, namely :—

(a) if the advertisement contravenes any bye-law made by the corporation ;

(b) if any addition to the advertisement be made except for the purpose of making it secure under the direction of the corporation engineer ;

(c) if any material change be made in the advertisement or any part thereof ;

(d) if the advertisement or any part thereof falls otherwise than through accident ;

(e) if any addition or alteration be made to, or in the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained, if such addition or alteration involves the disturbance of the advertisement or any part thereof ; and

(f) if the building wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained be demolished or destroyed.

141. Owner or person in occupation to be deemed responsible.—When any advertisement shall be erected exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure in contravention of the provisions of section 138 or section 139 or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed, to be the person who has erected, exhibited, fixed or retained such advertisement in such contravention unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

142. Removal of unauthorised advertisement.—If any advertisement be erected, exhibited, fixed or retained

contrary to the provisions of section 138 or section 139 or after the written permission, for the erection, exhibition fixation or retention thereof for any period shall have expired or become void, the Commissioner may, by notice in writing require the owner or occupier of the land building, wall, hoarding or structure upon or over which the same is erected, exhibited, fixed or retained to take down or remove such advertisement or may enter any building, land or property and have the advertisement removed.

143. Collection of tax on advertisement.—The Commissioner may farm out the collection of any tax on advertisement leviable under section 138 for any period not exceeding one year at a time on such terms and conditions as may be provided for in the bye-laws.

144. Duty on transfer of immovable properties.—A duty on transfer of immovable property shall be levied in the form of an additional stamp duty in addition to the stamp duty imposed by the Karnataka Stamp Act, 1957 on instruments of sale, gift, mortgage, exchange and lease in perpetuity of all immovable properties situated within the limits of the city at a rate not exceeding two per centum on, as the case may be, the amount of the consideration for sale, the value of the property in the case of a gift or the amount secured by the mortgage, the value of the property of the greater value in the case of exchange, or on value of the rent for the first ten years in the case of a lease, as set forth in the instrument.

145. Provisions applicable on the introduction of transfer duty.—On the introduction of duty on transfer,—

(a) section 28 of the Karnataka Stamp Act, 1957 shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and out side the city,

(b) section 64 of the same Act shall be read as if it referred to the corporation as well as the Government.

146. Power to make rules regarding assessment and collection of transfer duty.—The Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the corporation and the deduction of any expenses incurred by the Government in the collection thereof.

147. Power to assess in case of escape from assessment.—Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or fees leviable under this chapter has escaped assessment in any half-year or year, the Commissioner may, at any time within six years from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax or fee due and demanding payment thereof within fifteen days from the date of such service; and the provisions of this Act and the rules made thereunder shall, so far as may be, apply as if the assessment was made in the half-year or year to which the tax or fee relate.

148. Fixed charges and agreements for payment in lieu of taxes.—(1) A corporation may, instead of imposing a water-rate or where a water-rate has been imposed, in individual cases, instead of levying a rate imposed in respect of the supply of water belonging to the corporation to or for use in connection with any private lands or buildings:—

(a) fix at rates not exceeding such as shall be specified in the rules in force under section 426 charges for such supply according to the quantity used, as ascertained by measurement; or

(b) arrange with any person on his application to supply on payment, periodically or otherwise, water belonging to the corporation in such quantities or for such purposes (whether domestic, ornamental, or irrigational or for trade, manufacture or any other purpose), on such terms

and subject to such conditions as it shall fix by agreement with such person :

Provided that,—

(i) the meters, connection-pipes and all other works necessary for and incidental to such supply. and all repairs, extensions and alternations of such works shall be under the control of the corporation and the expense thereof shall, so far as not inconsistent with the rules or bye-laws be defrayed by the persons liable for the charges or payments fixed in respect of such supply ; and

(ii) such supply of water shall be and shall be deemed to have been granted, subject to all such conditions as to the limit or stoppage thereof, and as to the prevention of waste or misuse, as are prescribed in the bye-laws for the time being in force.

(2) Where a corporation has imposed a tax on vehicles or animals used for riding, draught or burden and kept for such use within the city it may be compounded with the keeper of any livery-stable or of horses or vehicles kept for sale and hire for the payment of a lumpsum for any period not exceeding one year at a time, in lieu of any amount which such keeper would otherwise have been liable to pay on account of the tax imposed as aforesaid.

(3) The corporation may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the corporation and to be paid monthly, quarterly or half yearly, in advance in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle or animal within the limits of the city, provided that the sum charged shall not be less than one-half of the amount which such person would have been liable to pay if the vehicle had to pay toll once every day during the period for which the pass is issued.

(4) Every sum claimed by a corporation due under sub-section (1) as charges, payments or expenses, or as

lumpsum under sub-section (2), shall for the purposes of this Chapter be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of a tax recoverable under this Chapter :

Provided that nothing in this section shall affect the right or power of a corporation to contract with any person to supply for use beyond the limits of the city at such rates and on such conditions as the corporation may think fit, any quantity of water belonging to the corporation but not required for the purposes of this Act.

149. Power of Government to suspend or prohibit levy of objectionable taxes.—(1) If it shall at any time appear to the Government on complaint made or otherwise, that any tax or fee leviable by a corporation, is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxius to the interests of the general public, the Government may require the said corporation, within such period as it shall fix in this behalf to take measures for removing any objection which appears to it exist to the said tax or fee, and if within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification suspend the levy of such tax or of such part thereof, until such time as the objection thereto shall be removed.

(2) The Government may at any time, by a notification rescind any such suspension.

150. Power of Government to require corporation to impose taxes.—Whenever it appears to the Government that the balance of the corporation fund of any corporation is insufficient for meeting the expenditure incurred under section 302 or for the performance of any duties in respect of which it shall have been declared under section 98 to have committed default, the Government may by notification require the corporation to impose within the city, any such tax specified in the notification as may be imposed under section 104, if no such tax is for the time

being imposed thereon, or to enhance any existing tax in such manner or to such extent as the Government considers fit, and the corporation shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this Chapter, as if a resolution of the corporation had been passed for the purpose under section 105:

Provided that—

(a) the Government shall take into consideration any objection which the corporation or any inhabitant of the city may make against the imposition or enhancement of such tax;

(b) it shall not be lawful for the corporation to abandon or modify or to abolish such tax when imposed; and

(c) the Government may at any time cancel or modify any requisition made by it under this section, and the levy of the tax or enhancement, except in regard to arrears accrued and due, shall thereupon cease or be modified accordingly.

151. Rules in Schedule III.—The rules and tables embodied in Schedule III shall be read as part of this Chapter.

152. Corporation to revise taxes.—The corporation shall revise any tax imposed by it once every five years and whenever enhancement of the rate is evidenced necessary shall levy the enhanced rates after observing the procedure prescribed for the imposition of taxes.

CHAPTER XI

FINANCE, ACCOUNTS AND AUDIT

153. Corporation funds.—All moneys received by or on behalf of the corporation by or under this Act or any other law, all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by it under this Act, all proceeds of land or other property sold by the corporation and all rents accruing from its land or property and all interest, profits and other moneys accruing by gifts or

transfers from the Government or private individuals or otherwise shall constitute the corporation fund and shall be held, applied and disposed of in accordance with the provisions of this Act, the rules and the regulations made thereunder or any other law for the time being in force.

154. Accounts and Audit.—(1) The accounts of all receipts and expenditure of the corporation shall be kept in such manner and in such form as ********* may be prescribed.

(2) The Government shall appoint one of its officers as ******the Corporation Chief Auditor who shall conduct an audit of the corporation accounts and for this purpose, he shall have access to the corporation accounts and to all receipts and expenditure relating thereto and the Commissioner shall furnish ******** to him —any information concerning any receipt or expenditure which may ******* be required by him.

* * * * * * *

* * * * * * *

* * * * * * *

(3) The Corporation Chief Auditor shall report to the prescribed municipal authority any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of moneys due to the corporation or in the corporation accounts and shall furnish information of report concerning the progress of audit to Government in respect of such matter as may be laid down in the rules.

(4) He shall be paid such salary and allowances as the Government may determine and shall be entitled to privileges in accordance with the rules and regulations of the branch of Government service to which he belongs and in force for the time being and the corporation shall make such contribution towards his leave, allowances, pension and provident fund as may be payable under such rules and regulations by him or on his behalf from the corporation fund.

155. Financial rules.—Save as otherwise provided in this Act, the ******* financial rules of the Corporation shall be as prescribed.

156. Contribution for supply of water to the inhabitants of the City of Bangalore.—Notwithstanding anything contained in this Act, the Corporation of the City of Bangalore shall make such contribution to the Bangalore Water Supply and Sewerage Board for supply of water for the benefit of such class of inhabitants of the City of Bangalore in accordance with such arrangements as the said corporation has entered into with the said Board before the commencement of this Act.

157. Contribution to expenditure by other local authorities.—(1) If the expenditure incurred by the Government or by any local authority for any purpose authorised by ****** rules is such as to benefit the inhabitants of the city, the corporation may make a contribution towards such expenditure.

(2) The Government may direct the corporation to show cause, within a period fixed by the Government in this behalf not being less than one month after receipt of the order containing the direction, why any contribution ******referred to in sub-section (1) should not be made.

(3) If the corporation fails to show cause within the said period to the satisfaction of the Government, the Government may direct it to make such contribution as it shall name and it shall be paid accordingly.

158. Power of corporation to borrow money.—(1) The corporation may, in pursuance of any resolution passed at a special meeting, borrow by way of debenture or otherwise, on the security of all or any of the taxes, duties, fees and dues authorised by or under this Act, any sums of money which may be required,—

(a) for the construction of works,

(b) for the acquisition of lands and buildings, or

(c) to pay off any debt due to Government, or

(d) to repay a loan previously raised under this Act or any other law previously in force:

Provided that,—

(i) no loan shall be raised without the previous sanction of the Government, and

(ii) the amount of the loan, the rate of interest and the terms including the date of floating, the time and method of repayment and the like shall be subject to the approval of the Government.

(2) When any sum of money has been borrowed under sub-section (1)—

(a) no portion thereof shall without the previous sanction of the Government be applied to any purpose other than that for which it was borrowed, and

(b) no portion of any sum of money borrowed under clause (a) of sub-section (1) shall be applied to the payment of salaries or allowances to any corporation officers or servants other than those exclusively employed upon the works for the construction of which the money was borrowed.

159. Time for repayment of money borrowed under section 158.—The time for the repayment of any money borrowed under section 158 shall in no case exceed sixty years, and the time for the repayment of any money borrowed for the purpose of discharging any previous loan shall not, except with the express sanction of the Government, extend beyond the unexpired portion of the period for which such previous loan was sanctioned

160. Limit of borrowing powers.—Notwithstanding anything hereinafter contained, the borrowing powers of the corporation shall be limited so that the sum payable annually for interest and for the maintenance of the sinking funds as hereinafter provided, and for interest and repayment of any sums borrowed otherwise shall not, except with the express sanction of the Government, exceed ten per cent of the rateable value of buildings and lands as determined under Chapter X.

161. Form and effect of debentures.—All debentures issued under this Chapter shall be in such form as the corporation, with the previous sanction of the Government, may determine, and shall be transferable in such manner as shall be therein expressed ; and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

162. Payment to survivors of joint payees.—When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in section 45 of the Contract Act, 1872 (Central Act IX of 1872) the debenture or security shall be payable to the survivor or survivors of such persons :

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors.

163. Receipt by joint holder for interest or dividend.—When two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the corporation by any other of such persons.

164. Maintenance and investment of sinking funds.—(1) The corporation shall maintain sinking funds for the repayment of money borrowed on debentures issued and shall pay by quarterly instalments into such sinking funds such sum as will be sufficient for the repayment within the period fixed for the loan of all moneys borrowed on debentures issued.

(2) All moneys paid into the sinking funds shall, as soon as possible, be invested by the Commissioner in,—

(a) securities of the Government or the Government of India, or

(b) securities guaranteed by the Government, and shall be invested in the joint names of the Financial Commissioner and Secretary to Government, Finance Department and the Controller, State Accounts Department, to be held by them as trustees for the purpose of repaying at due date the debentures issued by the corporation. Every such investment shall be reported by the Commissioner to the corporation within fifteen days.

(3) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the sinking fund and invested in the manner laid down in sub-section (2).

(4) When any part of a sinking fund is invested in corporation debentures, or is applied in paying off any part of a loan before the period fixed for repayment, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (2).

(5) Any investment made under this section may, subject to the provisions of sub-section (2), be varied or transposed.

165. Application of sinking fund.—The aforesaid trustees may apply a sinking fund or any part thereof, in or towards the discharge of the loan or part of a loan for which such fund was created, and until such loan or part is wholly discharged shall not apply the same for any other purpose :

Provided that when any loan or parts thereof have been consolidated under section 167, the trustees shall transfer to the sinking fund of the consolidated loan so created such part of the sinking funds of the original loans as may be proportionate to the amount of the original loans incorporated in the consolidated loan.

166. Annual statement by trustees.—(1) The aforesaid trustees shall, at the end of every year submit to the corporation a statement showing,—

(a) the amount which has been invested during the year under section 164;

(b) the date of the last investment made previous to the submission of the statement;

(c) the aggregate amount of the securities then in their hands; and

(d) the aggregate amount which has up to the date of the statement been applied under section 165 in or towards discharging loans.

(2) Every such statement shall be laid before the corporation and published.

167. Power of corporation to consolidate loans.—(1) Notwithstanding anything to the contrary contained in this Chapter, the corporation may consolidate all or any of its loans and for that purpose may invite tenders for a new loan (to be called the "Corporation Consolidated Loan, 19....." and invite the holders of corporation debenture to exchange their debentures for scrip of such loan.

(2) The terms of any such consolidated loan and the form of its scrip and the rates at which exchange into such consolidated loan shall be permitted, shall be subject to the prior approval of the State Government.

(3) The period for the extinction of any such consolidated loan shall not, without sanction of the Government extend beyond the farthest date within which any of the loans to be consolidated would be otherwise repayable.

(4) The corporation shall provide for the repayment of any such consolidated loan by a sinking fund in the manner laid down in section 164 having regard to the amount transferred to such sinking fund under section 165.

168. Priority of payments for interest and repayment of loans over other payment.—All payments due from the corporation for interest on and repayment of loans shall be made in priority to all other payments due from the corporation.

169. Attachment of corporation fund for recovery of money borrowed from Government.—(1) If any money borrowed by the corporation from the Government, whether before or after the commencement of this Act, or any interest or costs due in respect thereof, be not repaid according to the conditions of the loan, the Government may attach the corporation fund or any part thereof.

(2) After such attachment, no person except an officer appointed in this behalf by the Government shall in any way deal with the attached fund; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government.

170. Estimates of expenditure and income to be prepared annually by the Commissioner.—The Commissioner shall, on or before the fifteenth day of January each year prepare and submit to the standing committee a budget containing a detailed estimate of income and expenditure for the ensuing year, and, if it is in his opinion necessary or expedient to vary taxation or to raise loans shall submit his proposals in regard thereto.

171. Budget estimates to be prepared by the standing committee for taxation and finance.—(1) The standing committee for taxation and finance shall on or as soon as may be, after the fifteenth day of January consider the estimates and proposals of the Commissioner and after having obtained proposals, if any, of other standing committees and such further detailed information, if any, as it shall think fit to require from the Commissioner and having regard to all the requirements of this Act, shall prepare therefrom, subject to such modifications and additions therein or thereto as it shall think fit, a budget estimate of the income and expenditure of the corporation for the next year.

(2) In such budget estimate, the standing committee shall—

(a) provide for the payment, as they fall due of all instalments of principal and interest for which the corporation may be liable on account of loans;

(b) provide for the payment as it falls due, of any amount towards contributions, fees or such other amounts as may be payable by the corporation to the Government;

(c) allow for a cash balance at the end of the year of not less than one lakh of rupees under General Account—Revenue.

(3) The Commissioner shall cause the budget estimate as finally approved by standing committee, to be printed and shall, not later than the first day of February forward a printed copy thereof to each councillor.

172. Consideration of budget estimate by the corporation.—At a meeting of the corporation which shall be called for some day in the first week of February the budget estimate prepared by the standing committee shall be laid before the corporation.

173. Procedure of corporation.—The corporation may refer the budget estimate back to the standing committee

for further consideration and re-submission within a specified time or adopt the budget estimate or any revised budget estimate submitted to it either as it stands or subject to such alteration as it deems expedient :

Provided that the budget finally adopted by the corporation shall make adequate and suitable provision for each of the matters referred to in clauses (a) and (b) of sub-section (2) of section 171.

174. Obligation to pass budget before the beginning of the year.—(1) The corporation shall finally pass the budget estimate at least three weeks before the beginning of the year to which it relates and shall forthwith submit a copy thereof to the Government.

(2) The Government may sanction the budget in its entirety or subject to such modifications as it thinks fit :

Provided however that if within two months of the date of receipt of the budget, the Government does not communicate any orders thereon, the budget shall be deemed to have been sanctioned by the Government.

175. Corporation may pass supplemental budget.—The Corporation may, on the recommendation of the standing committee for taxation and finance, during the year pass a supplemental budget estimate for the purpose of meeting any special or unforeseen requirements, arising during that year, so however that the estimated cash balance under General Account-Revenue at the close of the year shall not be reduced to less than one lakh of rupees :

Provided that no item shall be included in the supplemental budget which had been disallowed by the Government while sanctioning the Budget.

176. Reduction or transfer of budget grants.—(1) The standing committee for taxation and finance may, if it thinks necessary at any time during the year,—

(a) reduce the amount of a budget grant ; or

(b) transfer and add the amount or a portion of the amount of one budget grant to the amount of any other budget grant :

Provided that--

(i) due regard shall be had, when making any such reduction or transfer, to all the requirements of this Act;

(ii) the aggregate sum of the budget grants contained in the budget estimate adopted by the corporation shall not be increased except by the corporation under section 175;

(iii) every such reduction or transfer shall be brought to the notice of the corporation at its next meeting.

(2) If any such reduction or transfer is of an amount exceeding rupees five hundred, the corporation may pass with regard thereto such order as it thinks fit, and it shall be incumbent on the standing committee and the Commissioner to give effect to the said order.

177. Re-adjustment of income and expenditure to be made by the corporation during the course of the official year whenever necessary.—(1) If it shall at any time during any year appear to the corporation upon the representation of the standing committee for taxation and finance, that, notwithstanding any reduction of budget grants that may have been made under section 176, the income of the corporation fund during the said year will not suffice to meet the expenditure sanctioned in the budget estimate of the said year and to leave at the close of the year a cash balance of not less than one lakh of rupees under General Account--Revenue, it shall be incumbent on the corporation either to diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or to have recourse to supplementary taxation, or to adopt both of these expedients in such measure as may be necessary to secure an estimated cash balance of not less than one lakh of rupees under General Account—Revenue at the close of the year.

(2) Whenever the corporation determines to have recourse to supplementary taxation in any year, it shall do so by increasing for the unexpired portion of the year the rate at which any tax or duty is being levied subject to the conditions, limitations and restrictions laid down in Chapter X.

CHAPTER XII

Property and contracts

178. Corporation property.—(1) All property of the nature herein specified, and not being specially reserved by the Government, shall be vested in and belong to the corporation and shall, together with all other property of whatsoever nature or kind not being specially reserved by the Government, which may become vested in the corporation, be under its direction, management and control and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Act, that is to say—

(a) all public parks, playgrounds, and open spaces reserved for ventilation;

(b) all public lamps, lamp posts and apparatus connected therewith or appertaining thereto;

(c) all gates, markets, slaughter houses, manure and refuse depots and public buildings of every description.

(2) The corporation may accept trusts relating exclusively to the furtherance of purposes to which the corporation funds may be applied.

179. Acquisition of property and interest therein.—Subject to the provisions of section 178, the Commissioner may, for the purposes of this Act, acquire on behalf of the corporation movable or immovable property within or without the city or any interests in such property

Provided that—

(a) the Commissioner shall be bound by any resolution of the standing committee fixing terms, rates or

maximum prices for a particular case or for any class of cases;

(b) the sanction of the standing committee shall be required for the exchange of any immovable property, for the taking of any property on lease for a term exceeding twelve months, or for the acceptance of any gifts or bequest of property burdened by an obligation; and

(c) the sanction of the corporation and the Government shall be required:—

(i) for the acceptance or acquisition of any immovable property if the value of the property which it is proposed to accept, acquire or give in exchange exceeds one thousand rupees;

(ii) for the taking of any property on lease for a term exceeding three years; or

(iii) for the acceptance of any gift or bequest of property burdened by an obligation if the value of such property exceeds one thousand rupees.

180. Disposal of property and interest therein.— (1) Subject to the provisions of section 186, the Commissioner may dispose of by sale or exchange of any corporation movable property the value of which does not exceed two thousand rupees in each instance or grant for any term not exceeding twelve months a lease of any corporation immovable property or a lease or concession of any right of fishing or grazing or of gathering and taking fruit and the like:

Provided that such lease or concession shall be subject to the condition that the grantee shall not erect any permanent structure on the demised premises:

Provided further that every such disposal, lease or concession made or granted by the Commissioner shall be reported to the standing committee within fifteen days.

(2) With the sanction of the standing committee the Commissioner may dispose of by sale or exchange, any

corporation movable property the value of which does not exceed five thousand rupees in each instance, or grant for any term not exceeding three years a lease of any corporation immovable property or a lease or concession of any such right as aforesaid.

(3) With the sanction of the corporation the Commissioner may lease, sell or otherwise dispose of any corporation movable property.

(4) The sanction of the standing committee under sub-section (2) or that of the corporation under sub-section (3) may be given either generally or for any class of cases or specially for any particular case.

(5) The Commissioner may lend or let out on hire any corporation movable property on such conditions and for such periods as may be specified in the regulations.

(6) Notwithstanding anything contained in this Act,—

(a) no movable property exceeding such sum in value as may be prescribed shall be sold otherwise than by public auction;

(b) (i) no property whether movable or immovable of whatever value shall be transferred free of cost or for an upset price;

(ii) no lease of any immovable property exceeding five years shall be granted;

(iii) no immovable property shall be disposed of by sale or by other transfer,

except with the previous sanction of the Government.

181. Procedure for acquisition of immovable property under the Land Acquisition Act, 1894.—Any immovable property which any municipal authority is authorised by this Act to acquire may be acquired under the provisions of the Land Acquisition Act, 1894, and on payment of the compensation awarded under the said Act

in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the corporation.

182. Provision relating to land and other properties.—(1) Any land or other property transferred to the corporation by the Government shall not, unless otherwise expressly provided in the instrument of transfer, belong by right of ownership to the corporation, but shall vest in it subject to the terms and conditions of the transfer and on the contravention of any of the said terms and conditions, the land or other property with all things attached thereto, including all fixtures and structures thereon, shall vest in the Government and it shall be lawful for the Government by order to resume possession thereof.

(2) The Government may, by notification and after consultation with the corporation, take over for a public purpose any land or other property, movable or immovable, belonging to or vesting in the corporation on such terms as it may determine.

183. Objects not provided for by this Act.—The Government may with the consent of the corporation transfer to the corporation the management of any institution or the execution of any work not provided for by this Act and it shall thereupon be lawful for the corporation to undertake such management or execution:

Provided that in every such case the funds required for such management or execution shall be placed at the disposal of the corporation by the Government.

184. Power of corporation to determine whether works shall be executed by contract.—The corporation may determine either generally for any class of cases or specially for any particular case whether the Commissioner shall execute works by contract or otherwise.

185. Powers of several authorities to sanction estimates.—The powers of the several authorities to sanction estimates shall be as prescribed in the rules.

186. General provisions relating to contracts.—(1) The corporation may enter into any contract and perform such contracts as it may consider necessary or expedient for carrying into effect the provisions of this Act.

(2) Subject to the rules made in this behalf, the following provisions shall apply with respect to the making of contract for any of the purposes of this Act, namely :—

(a) every contract shall be made by or on behalf of the corporation by the Commissioner ;

(b) no contract for any performance which, in accordance with the provisions of this Act, the Commissioner may not carry out without the sanction of one or other municipal authorities or of the Government shall be made by him unless such sanction has been given ;

(c) any contract involving any expenditure exceeding such limits as may be specified in the rules shall be made by the Commissioner unless the requirement regarding the procedure to be followed has been followed, and unless the authority which is competent to accord sanction has accorded such sanction and where the sanction to be accorded is by the Government unless such sanction has been accorded by the Government.

(3) These provisions shall apply to any variation of the contract involving an increase of such percentage over the expenditure involved in the original contract as may be prescribed.

(4) Subject to such rules as may be made in this behalf every contract to be entered into by the Commissioner on behalf of the corporation shall be entered into in such manner and form as would bind him if it were made on his own behalf and may in like manner and form be varied or discharged :

Provided that—

(a) the common seal of the corporation shall be affixed to every contract, which, if made between private persons, would require to be under seal; and

(b) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees shall be in writing and shall be sealed with the common seal of the corporation and shall specify,—

(i) the work to be done or the materials or goods be supplied, as the case may be;

(ii) the price to be paid for such work, materials or goods, and

(iii) in the case of a contract for work, the time within which the work or specified portions thereof shall be completed.

(5) The common seal of the corporation shall remain in the custody of the Commissioner and shall not be affixed to any contract or other instrument except in the presence of the Commissioner and the Commissioner shall sign the contract or instrument in token that the same was sealed in his presence.

(6) No contract executed otherwise than as provided in this section shall be binding on the corporation.

187. **Invitation of tenders.**—(1) At least seven days before entering into any contract or the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five thousand rupees, the Commissioner shall give notice by advertisement inviting tenders for such contract:

Provided that such advertisement shall be published only in such newspapers or measures having such circulation as may be prescribed:

Provided further that the standing committee may at the instance of the Commissioner and for reasons which

shall be recorded in its proceedings, authorise the Commissioner to enter into a contract without inviting tenders.

(2) On receipt of the tenders made in pursuance of the notice given under sub-section (1), the Commissioner may, subject to the provisions of section 186, accept any tender which appears to him, upon a view of all the circumstances, to be the most advantageous, but he shall not reject all the tenders without the sanction of the standing committee.

188. Saving of certain irregularities.—When work is given on contract at unit rates and the number of units is not precisely determinable, the contract shall not be deemed to contravene the provisions of section 186 or section 187 merely by reason of the fact that the pecuniary limits laid down therein are eventually exceeded.

189. Security for performance of contracts.—The commissioner shall take sufficient security for the due performance of every contract into which he enters after a tender has been accepted, and may take security for the due performance of any other contract into which he enters.

CHAPTER XIII

Water Supply and Sewerage

190. Application of Chapter.—This Chapter shall not apply to any city for which separate water supply and sewerage arrangements are made by or under any law for the time being in force.

191. Construction of works.—(1) The corporation may with the sanction of the Government construct, lay or erect filtration plants, reservoirs, machinery, conduits, pipes or other works for supplying water to the city and may provide tanks, reservoirs, machinery mains, fountains and other conveniences within the city for the use of the inhabitants.

(2) The corporation may cause existing water works to be maintained and supplied with water or it may close any such works and substitute other such works and may cause them to be maintained and supplied with water.

192. Trespass on water supply premises.—No person shall except with permission duly obtained from the Commissioner enter on land vested in the corporation along with a conduit or pipe runs or on any premises connected with water supply.

193. Prohibition of building over water mains.—(1) Without the permission of the Commissioner, no building, wall or other structure shall be newly erected and no street shall be constructed over any corporation water main.

(2) If any building, wall or other structure be so erected or any street be so constructed, the Commissioner may cause the same to be removed or otherwise dealt with as shall appear to him fit and the expenses thereby incurred shall be paid by the persons contravening the provisions of sub-section (1).

194. Control over house connections.—All house connections, whether within or without the premises to which they belong, with the water supply main shall be under the control of the corporation but shall be altered repaired, and kept in proper order at the expenses of the owner of the premises to which they belong or for the use of which they were constructed and in conformity with the bye-laws made in that behalf.

195. Payment to be made for water supplied.—Notwithstanding anything contained in any law, contract or instrument, for all water supplied under this Act payment shall be made at such rates, at such times and under such conditions as may be specified by bye-laws and different rates may be prescribed for supply of water for different purposes

196. Private water supply for domestic purposes — (1) The Commissioner may on application by the owner or occupier of any building arrange in accordance with the bye-laws to supply water thereto for domestic consumption and use.

(2) It shall not be lawful for the owner of any dwelling house which may be newly constructed or reconstructed to occupy it or cause or permit it to be occupied until he has obtained a certificate from the Commissioner that there is provided within, or within a reasonable distance of the house, such supply of wholesome water as appears to the Commissioner to be sufficient for the domestic consumption and use of the inmates of the house.

(3) Where on any land, there are two or more super-structures, and the owner of the land is not the owner of all the super-structures, the Commissioner may, if it appears to him that the super-structures are without a proper supply of water for domestic consumption and use and that such supply can be furnished from the main not more than thirty-five meters distant from any part of any such super-structure, by notice require the owner of the land to obtain such supply.

197. Supply of water for domestic purpose not to include any supply for certain specified purposes.—The supply of water for domestic purposes shall not be deemed to include any supply—

(a) for any trade, manufacture or business ;

(b) for gardens or for purposes of irrigation ;

(c) for building purposes ;

(d) for fountains, swimming baths, public baths or tanks or for any ornamental or mechanical purposes ;

(e) for animals, where they are kept for sale or hire for the sale of their produce or any preparation therefrom ;

(f) for the consumption and use by the inmates of hotels, boarding houses and residential clubs :

(g) for the consumption and use by the persons resorting to theatres and cinemas ;

(h) for constructing or for watering streets ; or

(i) for washing vehicles where they are kept for sale or hire ;

but shall deemed to include a supply—

(i) for flushing privies or drains ; and

(ii) for all baths other than swimming baths or public baths.

198. Water supply for domestic purposes not to be used for non-domestic purposes.—No person shall, without the written permission of the Commissioner use or allow to be used for other than domestic purposes water supplied for domestic purposes.

199. Power to supply water for non-domestic purposes.—(1) The Commissioner may with the sanction of the standing committee supply water for any purposes other than a domestic purpose on such terms and conditions consistent with the bye-laws made thereunder on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2) When an application under sub-section (1) is received, the Commissioner may subject to such charges and rates as may be fixed by the bye-laws lay or allow to be laid the necessary pipes and water fittings of such dimensions and description as may be prescribed by the bye-laws and may arrange for the supply of water through such pipes and fittings.

200. Supply of water to Government and local authorities.—The corporation may supply water to the Government or any other local authority on such terms as to payment, the period and the conditions of supply as shall be determined by it.

201. Use of water for extinguishing fire.—(1) Water may be used for extinguishing fire without payment.

(2) The Commissioner shall cause fire hydrants and all necessary works, machine and assistance for supplying water in case of fire to be provided and maintained and shall have painted or marked on the buildings and walls or in some other conspicuous manner, within the streets, wards or marks near to such hydrant to denote the situation thereof, and shall cause a hydrant key to be deposited at each place within the corporation where a corporation fire engine is kept and do such other things for the purpose aforesaid as he shall deem expedient.

202. Public water supply.—(1) The corporation shall provide a supply of wholesome drinking water within the city and shall erect sufficient stand pipes, fountains and other conveniences for the gratuitous supply of water.

(2) The Commissioner may close a public hydrant or other convenience when it is no longer required for the supply of wholesome water to the public.

203. Power to lay mains.—(1) Notwithstanding anything contained in any other law for the time being in force, the corporation may lay a main whether within or outside the local limits of the city,—

(a) in any street or any land vested in the Government, the corporation or any other local authority ;

(b) with the consent of every owner and occupier of any land not forming part of a street, in, over or on that land,

and may inspect, repair, alter or renew or may at any time remove any main so laid :

Provided that where the consent required for the purpose of this sub-section is withheld, the corporation may, after giving the owner or occupier of the land a written notice of its intention so to do, lay the main, in, over or on that land without such consent.

(2) Where the corporation, in exercise of the powers under this section, lays a main in, over or on any land not forming part of a street or land referred to in clause (b) of sub-section (1), or inspects, repairs, alters, renews or removes a main so laid down in, over or on any such land it shall pay compensation to every person interested in that land for any damage done to, or injurious affection of that land by reason of the inspection, laying, repair, alteration, renewal or removal of the main.

204. Power to lay service pipes, etc.—(1) The corporation may in any street or in any land referred to in clause (b) of sub-section (1) of section 203 whether within or outside the local limits of the city lay such service pipes with such stopcocks and other water fittings as it may deem necessary for supplying water to premises and may from time to time inspect, repair, alter or renew and may at any time remove any service pipe laid in such street or land whether by virtue of this section or otherwise.

(2) Where a service pipe has been lawfully laid in, over or on the land not forming part of a street or land referred to in sub-section (1), such officers as the Commissioner may authorise, may, enter upon that land and inspect, repair, alter, renew or remove the pipe or lay a new pipe in substitution thereof but shall pay compensation for any damage done in the course of such action.

205. Provision of fire hydrants.—(1) The Commissioner shall fix hydrants on water mains (other than trunk mains) at such places as may be most convenient for affording a supply of water for extinguishing any fire which may break out and shall keep in good order and from time to time renew every such hydrant.

(2) To denote the situation of every hydrant placed under this section, letters, marks or figures shall be displayed prominently on some wall, building or other structure near such hydrant.

(3) As soon as any such hydrant is completed, the Commissioner shall deposit a key thereof at such place

where a public fire engine is kept and in such other places as he deems necessary.

(4) The corporation may, at the request and expense of the owner or occupier of any factory, workshop, trade premises or place of business situated in or near a street in which a pipe is laid (and not being a trunk main) and being of sufficient dimentions to carry a hydrant fix on the pipe and keep in good order and renew one or more fire hydrants, to be used only for extinguishing fires as near as conveniently may be to that factory, workshop, trade premises or place of business.

(5) The corporation shall allow all persons to take water for extinguishing fires from any pipe on which a hydrant is fixed without any payment.

206. Power to require owners of premises to set up pumps, etc.—The owner of every premises when so required by the corporation shall provide a pump and set up electric pumps or other contrivances whereby water may be caused to reach to the top of the topmost story of such premises.

207. Supply of water.—The Commissioner may permit the owner, lessee or occupier of any premises to connect the premises by means of supply pipes for conveying through the premises supply of water for his domestic purposes from the corporation water works subject to the requirements of section 208.

208. Laying of supplying pipes, etc.—(1) An owner, lessee or occupier of any premises who desires to have supply of water for his domestic purposes from the corporation water works shall comply with the following requirements, namely :—

(a) he shall give to the Commissioner fourteen days' notice of his intention to lay the necessary supply pipe ; and

(b) he shall lay the supply pipe at his own expense having first obtained as respects any land not forming part of a street, the consent of the owner or occupiers thereof :

Provided that where any part of the supply pipe is to be laid in a street he shall not himself break open the street or lay that part of the pipe.

(2) Upon the receipt of the notice referred to in sub-section (1), the Commissioner shall lay the necessary communication pipe and any part of the supply pipe which is to be laid in a street and shall connect a communication pipe with the supply pipe.

(3) The expenses reasonably incurred by the Commissioner in executing the work which he is required or authorised by this section to execute shall be repaid to the corporation by the person by whom the notice was given and may be recovered from such person as an arrear of water rate under this Act:

Provided that if under the provision of this section the Commissioner lays a main in lieu of the supply pipe the additional cost incurred in laying the main instead of a supply pipe shall be borne by him.

(4) Notwithstanding anything contained in the foregoing provisions of this section, the Commissioner may, within a reasonable time after the service of the notice upon him, require the person giving the notice to pay to it in advance, the cost of the work as estimated by the corporation or to give security for payment thereof to its satisfaction.

(5) If any payment made to the corporation under sub-section (4) exceeds the expenses which it would be entitled to recover from the person giving the notice, the excess shall be repaid by it and if and so far as those expenses are not covered by the payment, the corporation may recover the balance from such person as an arrear of water rate under this Act.

209. **Power to require separate service pipes.**— (1) The corporation may require the provision of a separate service pipe for each of the premises supplied or to be supplied by it with water.

(2) If, in the case of any premises already supplied with water but not having a separate service pipe, the corporation gives notice to the owner of the premises requiring the provision of such a pipe, the owner shall, within three months, lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a street, and the corporation shall, within fourteen days after the owner has done so, lay so much of the required pipe as will constitute a communication pipe or a supply pipe to be laid in a street and make all necessary communications.

(3) If an owner upon whom a notice has been served under sub-section (2) fails to comply therewith the corporation may itself execute the work which the owner was required to execute and recover the expenses reasonably incurred by it in executing the work as an arrear of water rate under this Act.

210. Stopcocks.—(1) On every service pipe laid the corporation may fit a stopcock enclosed in a cover box or a pit of such size as may be reasonably necessary.

(2) Every stopcock fitted on a service pipe shall be placed in such position as the corporation deems most convenient :

Provided that—

(a) a stopcock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters those premises ; and

(b) a stopcock in a street shall be placed as near to the boundary thereof as is reasonably practicable.

211. Power to provide meters.—(1) The corporation may provide a water meter and attach the same to the service pipe in premises connected with corporation water works.

(2) The expenses of attaching a meter under sub-section (1) shall be paid by the owner of the premises.

(3) The use, rent to be paid for such use, maintenance and testing of meters shall be regulated by the bye-laws.

212. Presumption as to correctness of meters.—Whenever water is supplied by the corporation through a meter, it shall be presumed that the quantity indicated by the meter has been consumed until the contrary is proved.

213. Prohibition of waste or misuse of water.—(1) No person shall wilfully or negligently cause or suffer any water fitting which he is liable to maintain—

(a) to be or remain so out of order or so in need of repair; or

(b) to be or remain so constructed or adopted or to be so used,

that the water supplied to him by the corporation is or is likely to be wasted, misued or unduly consumed, or contaminated before use, or that foul air or an impure matter is likely to return into any pipe belonging to, or connected with a pipe belonging to the corporation.

(2) If any water fitting which any person is liable to maintain is in such a condition or so constructed or adopted as aforesaid, the corporation, without prejudice to any action under any other provision of this Act, may require that person to carry out any necessary repairs or alterations and if he fails to do so within forty-eight hours may itself carry out the work and recover from him the expenses reasonably incurred by it in so doing, as an arrear of water rates payable under this Chapter.

214. Power to enter premises to detect waste or misuse of water.—The Commissioner or any officer authorised by the corporation may, between sunrise and sunset, enter any premises supplied with water by the corporation in order to examine if there is any waste or misuse of such water and the Commissioner or such officer shall not be refused admittance to the premises nor shall he be obstructed by any person in making his examination.

215. Power to test water fittings.—The Commissioner or other officer may test any water fitting used in connection with water supplied by the corporation.

216. Water pipes, etc., not to be placed where water will be polluted.—(1) No water pipe shall be laid in a drain or on the surface of an open channel or house gully or within six meters of a cesspool or in any position where the pipe is likely to be injured or the water therein polluted, and except with the approval of the corporation no cistern shall be constructed within six metres of a privy or cesspool.

(2) No privy or cesspool shall be constructed or made within six metres of any water pipe or cistern or in any position where the pipe or cistern is likely to be injured or the water therein polluted.

217. Power to cut off water supply.—(1) The Commissioner may cut off the supply of water from any premises,—

(a) if the premises are unoccupied;

(b) if the owner or occupier neglects to comply with any lawful order or requisition regarding water supply issued by the Commissioner within the period specified therein;

(c) if any charges or any other sum due for water or for the cost of making a connection or the hire of a meter or the cost of carrying out any work or test connected with the water supply which is chargeable to any person by or under this Act is not paid within fifteen days after a bill for such charges or sums has been presented or served;

(d) if after receipt of a notice from the Commissioner requiring him to refrain from so doing, the owner or occupier continues to use the water or to permit it to be used in contravention of the provisions of this Act or any rule or bye-law made thereunder;

(e) if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying water;

(f) if the owner or occupier refuses to admit the Commissioner or any person authorised by him in this behalf into the premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connection with the water supply or prevents the Commissioner or any person authorised by him doing such work, from placing or removing such apparatus or making such examination or inquiry;

(g) if any pipes, taps, works or fittings connected with the water supply are found on examination by the Commissioner or any person authorised by him to be out of repair to such an extent as to cause waste or contamination of water;

(h) if the owner or occupier causes pipes, taps, works or fittings connected with the corporation water supply to be placed, removed, repaired or otherwise interfered with in contravention of the provisions of this Act, the rules or bye-laws made thereunder:

Provided that the Commissioner shall not cut off the supply of water unless notice of not less than three days has been given to the owner or occupier of the premises.

(2) (a) The owner and the occupier of the premises shall be jointly and severally liable for the payment of all the sums referred to in clause (c) of sub-section (1).

(b) The sums referred to in clause (a) shall be a charge on the premises.

(3) The expenses of cutting off the supply shall be payable by the owner and occupier of the premises jointly and severally.

(4) In respect of any premises from which water supply is cut off under clause (c) of sub-section (1), as soon as any money for non-payment of which water has been cut off, together with the expenses of cutting off the supply has been paid by the owner or occupier, the Commissioner shall cause water to be supplied as before on payment of the cost of re-connecting the premises with the water works.

(5) Action taken under this section against any person shall be without prejudice to any penalties to which he may otherwise be liable.

218. Joint and several liabality of owners and occupiers for offence in relation to water supply.—If any offence relating to water supply is committed under this Act on any premises connected with the corporation water works, the owner, the person primarily liable for the payment of the charges for water, and the occupier of the said premises shall be jointly and severally liable for such offence.

219. Non-liability of corporation when supply is reduced or not made in certain cases.—The corporation shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water in the case of unusual drought, other unavoidable cause or accident, or the necessity for relaying or repairing pipes.

220. Right of user of conduits, lines, etc.—(1) The corporation may place and maintain conduits and lines of mains or pipes over, under, along or across any immovable property whether within or outside the local limits of the city without acquiring the same, and may at any time for the purpose of examining, repairing, altering or removing any conduits or lines of mains or pipes, enter on any property over, under, along or across which the conduits or lines of mains or pipes have been placed :

Provided that the corporation shall not acquire any right other than a right of user in the property over, under, along or across which any conduit or line of mains or pipes is placed.

(2) In the exercise of the powers conferred upon it by this section, the corporation shall cause as little damage and inconvenience as may be possible, and shall make full compensation for any damage or inconvenience caused by it.

221. Power of owner of premises to place pipes through land belonging to other persons.—(1) If it appears to the corporation that the only or most convenient means of water supply to any premises is by placing or carrying any pipe over, under, along or across the immovable property of another person, it may by order in writing, authorise the owner of the premises to place or carry such pipe over, under, along or across such immovable property:

Provided that before making any such order the corporation shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be specified in bye-laws made in this behalf as to why the order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such pipe is placed or carried.

(2) Upon the making of an order under sub-section (1), the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe over, under, along or across such immovable property or for the purpose of repairing the same.

(3) In placing or carrying a pipe under this section, as little damage as possible shall be done to the immovable property and the owner of the premises shall—

(a) cause the pipe to be placed or carried with the least practicable delay;

(b) fill in, reinstate and make good at his own cost any with the least practicable delay, any land opened, broken up or removed for the purpose of placing or carrying such pipe; and

(c) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the placing or carrying of such pipe.

(4) If the owner of the immovable property, over, under, along or across which a pipe has been placed or carried under this section whilst such immovable property was not built upon, desires to erect any building on such property, the corporation shall, by notice in writing, require the owner of the premises to close, remove or divert the pipe in such manner as shall be approved by him and to fill in, re-instate and make good the immovable property as if the pipe had not been placed or carried over, under, along or across the same:

Provided that no such requisition shall be made unless in the opinion of the corporation it is necessary or expedient for the construction of the proposed building or the safe enjoyment thereof that the pipe should be closed, removed or diverted.

222. Power to execute work after giving notice to the person liable.—(1)When under the provisions of this Chapter any person may be required or is liable to execute any work, the corporation may, in accordance with the provisions of this Act and of any bye law made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by it for this purpose.

(2) The expenses incurred or likely to be incurred by the corporation in the execution of any such work shall be payable by the said person and the expenses incurred by the corporation in connection with the maintenance of such work shall be payable by the person or persons enjoying the amenities and conveniences rendered possible by such work.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefor as an arrear of water charges payable under this Chapter.

223. Work connected with water supply to be done by licensed plumber.—(1) No person other than a licensed plumber shall execute any work connected with water supply and no person shall permit any such work to be executed except by a licensed plumber:

Provided that if, in the opinion of the Commissioner the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(2) Every person who employs a licensed plumber to execute any work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) When any work is executed except in accordance with the provisions of sub-section (1), such work shall be liable to be dismantled at the discretion of the corporation without prejudice to the right of the corporation to prosecute under this Act the person at whose instance such work has been executed.

(4) The corporation may make bye-laws for the guidance of licensed plumbers and a copy of all such bye-laws shall be attached to every licence granted to plumbers by the corporation.

(5) The corporation may prescribe the charges to be paid to licensed plumbers for any work done by them under or for any of the purposes of this Chapter.

(6) No licensed plumber shall, for any work referred to in sub-section (5), demand or receive more than the charge prescribed therefor under that sub-section.

(7) The corporation shall make bye-laws providing for—

(a) the exercise of adequate control on all licensed plumbers:

(b) the inspection of all works carried out by them; and

(c) the hearing and disposal of complaints made by the owners or occupiers of premises with regard to the quality of work done, material used, delay in execution of work, and the charges made by a licensed plumber.

(8) No licensed plumber shall contravene any of the bye-laws made in this behalf or execute carelessly or

negligently any work under this Act or make use of bad materials, appliances or fittings.

(9) If any licensed plumber contravenes sub-section (8), his licence may be suspended or cancelled whether he is prosecuted under this Act or not.

224. Prohibition of certain acts relating to water supply.—(1) No person shall—

(a) wilfully obstruct any person acting under the authority of the corporation in setting out the lines of any works or pull up or remove any pillar, post or stake fixed in the ground for the purpose of setting out the lines of such work, or deface or destroy any works made for the same purpose; or

(b) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, meter or other work or apparatus belonging to the corporation; or

(c) unlawfully obstruct the flow of or flush, draw off or divert or take water from any water work belonging to the corporation or any water course by which any such water is supplied; or

(d) obstruct any officer or other employee of the corporation in the discharge of his duties under this Chapter or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any water work; or

(e) bathe in, at or upon any water work or wash or throw or cause to enter therein any animal, or throw any rubbish, dirt or filth into any water work or wash or clean therein any cloth, wool or leather or the skin of any animal or cause water of any sink, or drain or any steam engine or boiler or any polluted water to turn or be brought into any water work, or do any other act whereby the water in any water work is fouled or likely to be fouled.

(2) Nothing in clause (b) of sub-section (1) shall apply to a consumer closing the stopcock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

225. **Bye-laws regarding water supply.**—(1) The corporation may make bye-laws relating to water supply to carry out the purposes of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing provision, such bye-laws may provide for—

(a) the power of the corporation—

(i) to stop the supply of water, whether for domestic purposes or not, or for gratuitous use; and

(ii) to prohibit the sale and use of water for the purpose of business;

(b) the connection of supply pipes for conveying to any premises a supply of water from corporation water works;

(c) the making and renewing connections with corporation water works;

(d) the power of the corporation to take charge of private connections;

(e) the power of the corporation to alter the position connections;

(f) the equitable distribution of water supplied to occupiers;

(g) the size, material, quality, description and position of the pipes and fittings to be used for the purpose of any connection with or any communication from any corporation water works and the stamping of pipes and fittings and fees for such stamping;

(h) the size, material, quality and description of pipes, cisterns and fittings which are found on an examina-

tion to be so defective that they cannot be effectively repaired;

(i) the provision and maintenance of meters when water is supplied by measurement;

(j) the prohibition of fraudulent and unauthorised use of water and the prohibition of tampering with meters;

(k) the maintenance of pipes, cisterns and other water works;

(l) the licensing of plumbers and fitters, and for the compulsory employment of licensed plumbers and fitters;

(m) any other matter which is to be or may be provided for by bye-laws made under this Chapter.

(3) In making any bye-law under this section, the corporation may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees and in case of continuing breach with an additional fine which may extend to ten rupees for every day during which the breach continues after receipt of a notice from the corporation to discontinue such breach.

226. Vesting of sewers, etc., in corporation.—(1) All public sewers, all sewers in, alongside or under any public street within the city and all sewage disposal works whether constructed out of the corporation fund or otherwise, and all works materials and things appertaining thereto, shall vest in the corporation.

(2) All public and other sewers which are vested in the corporation are hereafter in this Act referred to as corporation sewers.

(3) For the purposes of enlarging, deepening or otherwise repairing or maintaining any such sewer or sewage disposal work so much of the sub-soil appertaining thereto as may be necessary for the said purpose shall be deemed also to vest in the corporation.

(4) All sewers and ventilation-shafts, pipes and all appliances and fittings connected with the sewerage works constructed, erected or set up out of the funds of the corporation in or upon premises not belonging to the corporation whether—

(a) before or after the date on which a corporation is established under this Act, and

(b) for the use of the owner or occupier of such premises or not,

shall, unless the corporation has otherwise determined, or does at anytime otherwise determine, vest in the corporation.

227. Maintenance of sewers and sewage disposal works.—The corporation shall maintain and keep in repair all corporation sewers and sewage disposal works and shall construct as many new drains and sewage disposal works as may from time to time be necessary for effectual sewerage of the city.

228. Certain matters not to be passed into corporation sewers.—(1) No person shall throw, empty or turn into any corporation sewer or into any drain or sewer communicating with a corporation sewer,—

(a) any matter likely to injure the sewer or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents; or

(b) any chemical, refuse or waste steam, or any liquid of a temperature higher than forty-five degrees centigrade, being refuse or steam which, or a liquid of which, when so heated, is, either along or in combination with the contents of the sewer, dangerous, or the cause of a nuisance, or prejudical to health; or

(c) any dangerous petroleum.

(2) In this section, the expression "dangerous petroleum" has the same meaning as in the Petroleum Act, 1934 (Central Act 30 of 1934).

229. Application by owners and occupiers to drain into corporation sewer.—(1) Subject to such conditions as may be laid down in the bye-laws, the owner or occupier of any premises having a private drain, or the owner of any private drain within the city may apply to the corporation to have his drain made to communicate with the corporation sewers and thereby to discharge foul water and surface water from those premises or that private drain:

Provided that nothing in this sub-section shall entitle any person to discharge directly or indirectly into any corporation sewer—

(i) any trade effluent from any trade premises except in accordance with the bye-laws made in this behalf; or

(ii) any liquid or other matter the discharge of which into corporation sewers is prohibited by or under this Act or any other law.

(2) Any person desirous of availing himself of the provisions of sub-section (1) shall give to the corporation notice of his proposals, and at any time within one month after receipt thereof, the Commissioner may by notice to him refuse to permit the communication to be made, if it appears to him that the mode of construction or condition of the drain is such that the making of the communication would be prejudicial to the sewerage system, and for the purpose of examining the mode of construction and condition of the drain he may, if necessary, require it to be laid open for inspection.

(3) The Commissioner may, if he thinks fit, construct such part of the work necessary for connecting a private drain with a corporation sewer as is, in or under, a public street and in such a case, the expenses incurred by the Commissioner shall be paid by the owner or occupier of the premises, or as the case may be, the owner of the private drain and shall be recoverable from the owner or occupier as an arrear of charges payable under this Act.

230. Drainage of undrained premises.—(1) Where any premises or in the opinion of the Commissioner with as sufficient means of effectual drainage and a Government sewer or some place approved by the corporation for the discharge of filth and other polluted and obnoxious matter is situated at a distance of not exceeding thirty-five metre from any part of the said premises, he may, by written notice require the owner of the said premises—

(a) to make a drain emptying into such corporation sewer or place;

(b) to construct a closed cesspool or soakage pit and fittings as may appear to the Commissioner necessary for the purpose of gathering and receiving the filth and other polluted and obnoxious matter from and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith;

(c) to remove any existing drain or other appliance or thing used or intended to be used for drainage which is injurious to health;

(d) to provide a closed drain in substitution of an open drain or to provide such other appliance or thing either newly or in substitution of any existing appliance or thing or to provide both a closed drain and such other appliance or thing in substitution of the existing open drain and other appliance or thing, which is or is likely to be injurious to health;

(e) to provide and set up all such appliances and fittings as may appear to the Commissioner to be necessary for the purpose of gathering and receiving the waste water from floors and galleries of buildings when they are washed, and conveying the same through spouts by down-take pipes so as to prevent such waste from discharging directly on streets or inside any lower portion of the premises;

(f) to carry out any work to improve or re-model an existing drain which is inadequate, insufficient or faulty.

(2) Where in any case not provided for in sub-section (1) any premises are, in the opinion of the Commissioner

without sufficient means of effectual drainage, he may, by written notice, require the owner of the premises—

(a) to construct a drain up to a point to be specified in such notice which shall not be less than thirty-five meters from any part of the premises; or

(b) to construct a closed cesspool or soakage pit and drain or drains emptying into such cesspool or soakage pit.

(3) Any requisition for the construction of any drain under sub-section (2) may contain any of the details specified in sub-section (1).

(4) Where the owner of any premises to whom a notice has been issued under sub-section (2) fails to execute the work within three months from the date of receipt of such notice, the Commissioner shall cause such work to be executed and thereupon the provisions of section 242 shall apply as if the said work is executed in accordance with the said section.

231. New premises not to be erected without drains.—(1) In areas in which corporation sewers are provided it shall not be lawful to erect or to re-erect any premises or to occupy any such premises unless—

(a) a drain be constructed of such size, materials and descriptions, at such level and with such fall as shall appear to the Commissioner to be necessary for the effectual drainage of such premises;

(b) there have been provided and set up on such premises such appliances and fittings as may appear to the Commissioner to be necessary for the purposes of gathering or receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises and of effectually flushing the drain of the said premises and every fixture connected therewith.

(2) The drain so constructed shall empty into a corporation sewer.

(3) The provisions of this section shall be applicable to premises any part of which is situated within a distance of thirty-five metres from a corporation sewer.

232. Power to drain group or block of premises by combined operations.—(1) If it appears to the Commissioner that any group or block of premises may be drained more economically or advantageously in combination than separately, and a corporation sewer of sufficient size already exists or is about to be constructed within thirty-five meters of any part of that group or block of premises the Commissioner may cause that group or block of premises to be drained by a combined operation.

(2) The expenses incurred in carrying out any work under sub-section (1) in respect of any group or block of premises shall be paid by the owners of such premises in such proportion as the Commissioner may determine and shall be recoverable from them as an arrear of charges payable under this Act.

(3) Not less than fifteen days before any such work is commenced, the Commissioner shall give to each such owner,—

(a) written notice of the nature of the proposed work, and

(b) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.

(4) The Commissioner may require the owner of such group or block of premises to maintain the work executed under this section.

233. Power of Commissioner to close or limit the use of private drains in certain cases.—Where a drain connecting any premises with a corporation sewer is sufficient for the effectual drainage of such premises and is otherwise un-objectionable but is not, in the opinion of the Commissioner adopted to the general system of sewerage in the city he may, by written notice addressed to the owner of the premises, direct—

(a) that such drain be closed, discontinued or destroyed and that any work necessary for that purpose be done; or

(b) that such drain shall, from such date as may be specified in the notice in this behalf, be used for filth and polluted water only or for rain water and unpolluted sub-soil water only:

Provided that—

(i) no drain may be closed, discontinued or destroyed by the Commissioner under clause (a) except on condition of his providing another drain equally effectual for the drainage of the premises and communicating with any corporation sewer which he thinks fit; and

(ii) the expenses of the construction of any drain so provided by the Commissioner and of any work done under clause (a) shall be borne by the corporation.

234. Use of drain by a person other than the owner.— (1) Where the Commissioner either on receipt of an application from the owner of any premises or otherwise is of the opinion that the only, or the most convenient means of effectual drainage of the premises into a corporation sewer is through a drain belonging to another person, the Commissioner may by notice in writing require the owner of such drain to show cause within a period specified in the notice as to why an order under this section should not be made.

(2) Where no cause is shown within the specified period or the cause shown appears to the Commissioner invalid or insufficient, the Commissioner may, by order in writing either authorise the owner of the premises to use the drain or declare him to be a joint owner thereof.

(3) An order made under sub-section (2) may contain directions as to—

(a) the payment of rent or compensation by the owner of the premises;

(b) the construction of a drain for the premises for the purpose of connecting it with the aforesaid drain;

(c) the entry upon the land in which the aforesaid drain is situate with assistants and workmen at all reasonable hours;

(d) the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the aforesaid drain.

235. Sewage and rainwater drains to be distinct.— Whenever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent for the Commissioner to require that there shall be one drain for filth and polluted water and an entirely distinct drain for rain water and unpolluted sub-soil water or both rain water and unpolluted sub-soil water each emptying into a separate corporation sewer of corporation drain or other suitable places.

236. Power to require owner to carry out certain works for satisfactory drainage.—For the purpose of efficient drainage of any premises, the Commissioner may, by notice in writing—

(a) require any courtyard, alley or passage between two or more buildings to be paved by the owner or owners of such buildings with such materials and in such manner as may be approved by corporation; and

(b) require such paving to be kept in proper repair

237. Appointment of places for the emptying of sewers and disposal of sewage.—The Commissioner may cause any or all of the corporation sewers to empty into and all sewage to be disposed of at, such place or places as he considers suitable:

Provided that on and after such date as may be appointed by the corporation in this behalf no sewage shall be discharged into any water-course until it has been so treated as not to effect prejudicially the purity and quality of the water into which it is discharged.

238. Connection with sewers not to be made without permission.—Without the written permission of the Commissioner no person shall, for any purpose whatsoever, at

any time make or cause to be made any connection or communication with any sewer referred to in section 226 constructed or maintained by, or vested in, the corporation.

239. Buildings and private streets not to be erected or constructed over sewers without permission.—(1) Without the written permission of the Commissioner no private street shall be constructed and no building, well, fence or other structure shall be erected on any corporation sewer constructed or maintained by, or vested in, the corporation.

(2) If any private street be constructed or any building wall, fence or structure erected on any sewer as aforesaid without the written permission of the Commissioner, the Commissioner may remove or otherwise deal with the same as he thinks fit.

(3) The expenses incurred by the Commissioner in so doing shall be paid by the owner of the private street or of the building, fence, wall or other structure or, as the case may be, by the person offending and shall be recoverable as an arrear of charges payable under this Act.

240. Right of user of property for laying sewers.—(1) The corporation may place and maintain sewers over, under, along or across any immovable property whether within or outside the local limits of the corporation, without acquiring the same, and any officer or servant of the corporation may at any time for the purpose of examining, repairing, altering or removing any sewer enter on any property over, under, along or across which the sewers have been laid:

Provided that the corporation shall not acquire any right other than a right of user in property over, under, along or across which any sewer is laid.

(2) In the exercise of the powers conferred under this section, the corporation shall cause as little damage as may be possible, and shall make full compensation for any damage caused by it.

241. Power of owner of premises to lay sewer through land belonging to other persons.—(1) If it appears to the Commissioner that the only or more convenient means of sewerage of any premises is by laying any sewer over, under, along or across the immovable property of another person, the Commissioner may, by order in writing, authorise the owner of the premises to lay or carry such sewer over, under, along or across such immovable property:

Provided that before making any such order the Commissioner shall give to the owner of the immovable property a reasonable opportunity of showing cause within forty-five days as to why such an order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such sewer is laid.

(2) Upon the making of an order under sub-section (1),the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purposes of laying a sewer over, under, along or across such immovable property or for the purpose of repairing the same.

(3) In lying a sewer under this section, as little damage as possible shall be done to the immovable property and the owner of the premises shall—

(a) cause the sewer to be laid with the least practicable delay;

(b) fill in, reinstate and make good at his own cost and with the least practicable delay, any land opened, broken up or removed for the purpose of laying such sewer; and

(c) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the lying of such sewer.

(4) If the owner of the immovable property, over, under, along or across which a sewer has been laid under this section whilst such immovable property was not built upon desires to erect any building on such property, the Commissioner shall, by notice in writing, require the owner of the premises to close, remove or divert the sewer in such manner as shall be approved by him and to fill in, reinstate and make good the immovable property as if the sewer had not been laid over, along or across the same:

Provided that no such requisition shall be made unless in the opinion of the Commissioner it is necessary or expedient for the construction of the proposed building or the safe enjoyment thereof that the sewer should be closed, removed or diverted.

242. Power to execute work after giving notice to the person liable.—(1) When under the provisions of this Chapter any person may be required or is liable to execute any work, the Commissioner, in accordance with the provision of this Act and of any bye-laws made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by it for this purpose.

(2) The expenses incurred or likely to be incurred by the Commissioner in the execution of any such work shall be payable by the said person and the expenses incurred by the Commissioner in connection with the maintenance of such work shall be payable by the person or persons enjoying such amenities and convenience rendered possible by such work.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefor as an arrear of charges payable under this Act.

243. Power to affix shafts, etc., for ventilation of sewer or cesspool.—For the purpose of ventilating any sewer or cesspool, whether vested in the corporation or not, the Commissioner may, in accordance with the bye-laws made

in this behalf, erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as may appear to it to be necessary.

244. Power to examine and test sewers, etc., believed to be defective.—(1) Where it appears to the Commissioner that there are reasonable grounds for believing that a private sewer or cesspool is in such condition as to be prejudicial to health or nuisance or that a private sewer communicating directly or indirectly with a corporation sewer is so defective as to admit sub-soil water, he may examine its condition and for that purpose may apply any test, other than a test by water under pressure, and if he deems it necessary, open the ground.

(2) If, on examination, the sewer or cesspool is found to be in proper condition, the Commissioner shall, as soon as possible, reinstate any ground which has been opened by him and make good the damage done by him.

245. Work connected with the corporation sewerage system to be done by licensed plumber.—(1) No person other than a licensed plumber shall execute any work connected with the corporation sewerage system and no person shall permit any such work to be executed except by a licensed plumber:

Provided that if, in the opinion of the corporation Engineer, the work is of a trivial nature he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(2) The provisions of sections 223 shall be applicable in respect of any work connected with any drain as they are applicable in respect of any work connected with water supply.

246. Prohibition of certain acts relating to sewerage.—No person shall—

(a) wilfully obstruct any person acting under the authority of the corporation or the Commissioner in setting

out the lines of any works or pull up or remove any pillar, post or stake fixed in the ground for the purpose of setting out lines of such work, or deface or destroy any works, made for the same purpose; or

(b) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, or other work or apparatus belonging to the corporation; or

(c) unlawfully obstruct the flow of or flush, draw off, divert or take sewage from any sewage work belonging to the corporation; or

(d) obstruct any officer or other employee of the corporation in the discharge of his duties under this Chapter or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry thereunder in relating to any sewage work.

247. Bye-laws regarding sewerage.—(1) The corporation may make bye-laws relating to sewerage to carry out the purposes of this Chapter.

(2) In particular and without prejudise to the foregoing provisions, such bye-laws may provide for—

(a) the regulation or prohibition of the discharge of deposit of offensive or obstructive matter, polluted water or other polluted and obnoxious matter into sewers;

(b) the regulation in any manner not specifically provided for in this Act, of the construction, alteration, maintenance, preservation, cleaning and repairs of sewers, ventilation shafts, pipes, latrines, urinals, cesspools and other sewerage works;

(c) the cleaning of sewers;

(d) the prohibition of erecton of buildings over sewers without the permision of the corporation or the Commissioner;

(e) the connection of private drains with corporation sewers;

(f) the location and construction of cesspools;

(g) the covering and ventilation of cesspools;

(h) the period or periods of the day during which trade effluent may be discharged from any trade premises into corporation sewers;

(i) the exclusion from trade effluent of all condensing water;

(j) the elimination from trade effluent before it enters corporation sewer, of any constituent which in the opinion of the corporation would, either alone or in combination with any matter with which it is likely to come into contact while passing through corporation sewers, injure or obstruct those sewers or make specially difficult or expensive the treatment or disposal of the sewage from those sewers;

(k) the maximum quantity of trade effluent which may, without any consent or permission, be discharged from any trade premises into corporation sewers on any one day and the highest rate at which trade effluent may, without such consent or permission be discharged from any trade premises into corporation sewers;

(l) the regulation of the temperature of trade effluent at the time of its discharge into corporation sewers and the securing of the neutrality of trade effluent (that is to say, that it is neither acidic nor alkaline) at the time of such discharge;

(m) the charge to be paid to the corporation by occupiers of trade premises for the reception of trade effluent into corporation sewers and disposal thereof;

(n) the provision and maintenance of such an inspection chamber or manhole as will enable a person readily to take at any time samples of what is passing into corporation sewers from trade premises;

(o) the provision and maintenance of such meters as may be required to measure the volume of any effluent being discharged from any trade premises into corporation sewers, and the testing of such meters.

(p) any other matter which has to be or may be provided for bye-laws made under this Chapter.

(3) In making any bye-law under this section, the corporation may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees and in case of a continuing breach with an additional fine which may extend to ten rupees for every day during which the breach continues after receipt of a notice from the corporation to discontinue such breach.

248. Inspection of corporation water works or sewerage works by persons appointed by Government.— Any person appointed by the Government in this behalf shall at all reasonable times have liberty to enter upon and inspect any corporation water works or sewerage works.

249. Execution of works by Government agency.— The Government may at the request of the corporation when it considers that the corporation does not have at its disposal adequate technical assistance to execute a water supply or drainage scheme, direct the execution of any water supply or drainage scheme through the Public Works Department of the Government.

250. Provision of public privies.—The corporation shall provide and maintain in proper and convenient places a sufficient number of public privies and shall cause the same to be kept clean and in proper order.

251. Licensing of public privies.—(1) The Commissioner may license for any period not exceeding one year the provision and maintenance of privies for public use.

(2) No person shall keep a public privy without a licence under sub-section (1).

(3) Every licensee of a public privy shall maintain it in clean and proper order.

252. Provision of privies by owner or occupier.—(1) The Commissioner may, by notice require, the owner or occupier of any building, within such time and in accordance with such direction as may be specified therein, to provide flush-out or other privies for the use of the persons employed in or about or occupying such building or alter or remove from an unsuitable place to a more suitable place any existing privy. Such owner or occupier shall keep every such privy clean and in proper order.

(2) Every owner or occupier of the ground on which any block of huts stands shall, within such time and in accordance with such directions as may be specified in a notice issued by the Commissioner, provide flush-out or other privies for the use of the inhabitants of such block of huts or alter or remove from an unsuitable place to a more suitable place any existing privy and shall keep the same clean and in proper order.

253. Provision of privies and urinals for labourers.—Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed flush-out or other latrines of such description and number as the Commissioner may by notice require, and within such time as may be fixed in the notice and shall keep the same clean and in proper order.

254. Provision of privies and urinals for markets, cart stands and cattle stands.—The Commissioner may, by notice require any owner or manager of a market, cart-stand, cattle-stand, choultry, theatre, railway station or other place of public resort within such time as may be specified in such notice to provide and maintain for the separate use of persons of each sex, flush-out or other privies of such description and number and in such a position as may be specified and to keep the same clean and in proper order.

255. Privies to be screened from view.—All flush-outs or other privies shall be so constructed as to screen persons using the same from the view of persons passing by or residing in the neighbourhood.

256. Power to carry wire pipes, drains, etc., through private property.—The Commissioner may carry any cable, wire, pipe, drain or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under or over any road, street or place laid out for a road or street and after giving reasonable notice to the owner or occupier through, across, under, over, or up the said land or building in the city, and may place and maintain posts, poles, standards, brackets or other contrivances to support cables, pipes, channels, wires and lights on any pole or post in the city not vested in the Government and under the control of the Government and may do all acts necessary or expedient for repairing or maintaining any such cable wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used, or for removing the same :

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person :

Provided further that the Commissioner shall, with the sanction of the standing committee, pay compensation to any person who sustains damage by the exercise of such power.

257. Prohibition against making connection without permission.—(1) No person shall, without the permission of the Commissioner, make any connection with any corporation cable, wire, pipe, drain or channel or with the house connection of any other person.

(2) The Commissioner may, by notice, require any connections made in contravention of sub-section (1) to be demolished, removed, closed, altered or re-made.

258. Power to require railway level, etc., to be raised or lowered.—If the corporation conducts any pipe or drain or other work connected with the water supply or drainages of the city across a line of railway, it may, with the sanction of the Government and at the cost of the corporation fund, require the railway administration to raise or lower the level thereof.

259. Power of corporation in respect of works outside the city.—(1) The corporation shall not undertake new works beyond the limits of the city without the sanction of the Government.

(2) The corporation may, in the execution and for the purposes of any works beyond the limits of the corporation sanctioned by the Government exercise all the powers which it may exercise within the city throughout the line of country through which conduits, channels, pipes, lines or posts and wires and the like, run, and over any lake or reservoir from which a supply of water for the use of the corporation is derived and over all lands at a distance not exceeding two kilometers beyond the high-water level of any such lake or reservoir, and over any lands used for sewage farms, sewage disposal tanks, filter and other works connected with the drainage of the city.

260. Provision for removal of filth.—(1) The Commissioner shall—

(i) provide or appoint in proper and convenient situations, depots or places for the temporary deposit of rubbish and filth and for the final disposal of filth and carcasses of animals.

(ii) provide dust-bins for the temporary deposit of rubbish ;

(iii) provide vehicles or other suitable means for the removal of carcasses of animals ; and

(iv) provide covered vehicles or vessels for the removal of filth.

(2) The Commissioner shall make adequate provision for preventing the deposits, places, dust-bins, vehicles and vessels referred to in sub-section (1) from becoming sources of nuisance.

261. Public notice ordering deposit of rubbish and filth by occupier.—(1) The Commissioner may, by public notice, direct that all rubbish and filth accumulating in any premises in any street or quarter of the city specified in the notice shall be collected by the owner or occupier of such premises, and deposited in a box or basket or other receptacle of the kind specified in such notice to be provided by such owner or occupier and kept at or near the premises.

(2) The Commissioner may cause public dustbins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situation in any street or quarter in respect of which no notice issued under sub-section (1) is for the time being in force, and may by public notice direct that all rubbish and filth accumulating in any premises, the entrance to which is situated within fifty meters of any such receptacle shall be collected by the owner or occupier of such premises and deposited in such receptacle.

262. Removal of rubbish and filth accumulating in large quantities on premises.—When any premises are used for carrying on any manufacture, trade or business or in any way so that rubbish or filth is accumulated in quantities which are, in the opinion of the Commissioner, too considerable to be deposited in any of the methods prescribed, by a notice issued under section 261, the Commissioner may—

(a) by notice require the owner or occupier of such premises to collect all rubbish and filth accumulating thereon, and to remove the same at such times, in such carts or receptacles, and by such routes as may be specified in the notice to a depot or place provided or appointed under section 260; or

(b) after giving such owner or occupier notice of his intention, cause all rubbish and filth accumulated in such premises to be removed, and charge the said owner or occupier for such removal such periodical fee as may, with the sanction of the standing committee, be specified in the notice issued under clause (a).

263. Provision for daily cleaning of streets and removal of rubbish and filth.—The Commissioner shall provide—

(a) for the daily surface-cleaning of all public streets and the removal of the sweepings therefrom, and

(b) for the removal of—

(i) the contents of all receptacles and depots and the accumulations at all places provided or appointed by him under section 260 for the temporary deposit of any of the things specified therein, and

(ii) all things deposited by owners or occupiers of premises in pursuance of any notice issued under section 261.

264. Rights of property of corporation in things deposited in receptacles.—All things deposited in depots or places provided or appointed under section 260 shall be the property of the corporation.

265. Directions as to removal of rubbish and filth and preparation of compost manure from rubbish and filth.—In cases not provided for by any notice issued under section 261, the Commissioner shall, lay down—

(a) the hours within which rubbish and filth may be removed ;

(b) the kind of cart or other receptacle in which rubbish and filth may be removed ; and

(c) the route by which such carts or other receptacles shall be taken.

266. Maintenance of establishment for removal of rubbish and filth.—(1) The corporation shall maintain an

establishment under the control of the Commissioner for the removal of rubbish and filth from privies which are not connected with a public drain.

(2) The corporation shall, if so, required by the Government make provision for the preparation of compost manure from rubbish and filth.

267. Prohibition of the practice of employing persons for carying night-soil as head-load.—(1) Notwithstanding anything contained in this Act or in any other law, custom, usage, agreement or practice to the contrary, and save as provided in sub-section (3), no person shall employ or allow himself to be employed for wages or salary for carrying night-soil as head-load or by the manual handling thereof.

(2) Any person who contravenes the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction and if any person is convicted for the fifth time of an offence for the contravention of the provisions of sub-section (1) he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to three hundred rupees, or with both.

(3) Nothing in this Act shall apply to any person who employes or allows himself to be employed for carrying night-soil as head-load or by the manual handling thereof in any hospital, clinic, nursing home or other similar institution or as a member of any organisation engagged in social service or to any person who himself carries or collects night-soil for the prepartion, use or manufacture of manure.

268. Prohibition against accumulation of rubbish and filth on premises, etc.—(1) No person who is bound by any notice issued under section 261 or section 262, as the case may be, to collect and deposit or remove rubbish or filth accumulating on any premises shall allow the same to accumulate for more than twenty-four hours.

(2) No person shall deposit any rubbish or filth otherwise than as provided in a notice issued under section 261 or 262 as the case may be.

(3) No person shall, after due provision has been made under sections 260 and 263 for the deposit and removal of the same—

(a) deposit the carcasses of animals, rubbish or filth in any street or in the verandah of any building or on any unoccupied ground alongside any street or on any public quay, jetty or landing place or on the bank of a water course or tank ; or

(b) deposit filth or carcasses of animals in any dustbin or in any vehicle not intended for the removal of the same ; or

(c) deposit rubbish in any vehicle or vessel intended for the removal of filth except for the purpose of deodorizing or disinfecting the filth.

(4) No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours or otherwise than in a receptacle approved by the Commissioner, any rubbish or filth on such premises or any place belonging thereto or neglect to employ proper means to remove the rubbish or filth from or to cleanse such receptacle and to dispose of such rubbish or filth in the manner directed by the Commissioner or fail to comply with any requisition of the Commissioner as to the construction, repair, paving or clearing of any privy on or belonging to, the premises.

(5) No owner or occupier shall allow the water of any sink, drain or privy or the drainage from any stable or place, or any other filth to run-down on or to be put upon, any street or into any drain in or alongside of any street, except in such manner as shall prevent any avoidable nuisance from any such filth soaking into the wells or ground at the side of the said drain.

269. Contribution from person having control over places of pilgrimage, etc.—Where a mosque, temple, math or any place of religious worship or instruction or any place which is used for holding fairs, festivals or other like purposes in the city or in its neighbourhood, attracts on particular occasions, a large number of persons, the Commissioner shall make special arrangements whether permanent or temporary which may be necessary in the interests of public health, safety or convenience and require the trustee or other person having control over such place to make such recurring or non-recurring contribution to the funds of the corporation as the Government may determine.

CHAPTER XIV

STREETS

270. Vesting of public streets and their appurtenances in corporation.—(1) All public streets in the corporation reserved under the control of the Government, with the pavements, stones and other materials thereof and all work materials, implements and other things provided for such streets, all sewers, drains, drainage works, tunnels and culverts whether made at the cost of the corporation fund or otherwise, in or along side or under any street, whether public or private, and all works, materials, implements and other things appertaining thereto and all trees not being private property growing on public streets or by the side thereof, shall vest in the corporation.

(2) The Government may, after consulting the corporation, by notification withdraw any such street, sewer, drain, drainage work, tunnel, culvert or tree from the control of the corporation.

271. Maintenance and repair of streets.—The corporation shall cause the public streets to be maintained and repaired and may make all improvements thereto which are necessary or expedient for the public safety or convenience.

272. Powers of authorities in regard to streets.— (1) The Commissioner may, subject always to such sanction as may be required—

(a) lay-out and make new public streets ;

(b) construct bridges and sub-ways ;

(c) turn, divert, or with the special sanction of the corporation and the Government permanently close any public street or part thereof ;

(d) widen, open, extend or otherwise improve any public street.

(2) Reasonable compensation shall be paid to the owners and occupiers of any land or buildings which are acquired for or affected by any such purposes.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the owner or occupier concerned from the construction or improvement made by the Commissioner.

273. Power to adopt, construct or alter any sub-way, bridge, etc.—The Commissioner when authorised by the corporation in this behalf, may agree with any person—

(a) to adopt and maintain any existing or projected sub-way, bridge, acquduct or arch, and the approaches thereto and may accordingly adopt and maintain such sub-way, bridge, acquduct or arch and approaches as parts of public streets, or as property vesting in the corporation ; or

(b) for the construction or alterations of any such sub-way, bridge, acquduct or arch or for the purhase or acquisition of any adjoining land required for the foundations and support thereof or for the approaches thereto, either entirely at the expenses of such person or partly at the expenses of such person and partly at the expense of the corporation.

274. Power to dispose of permanently closed streets.— (1) When any public street is permanently closed under

section 272, the corporation may dispose of the site or so much thereof as is no longer required making due compensation to any person injured by such closing.

(2) In determining such compensation, allowance shall be made for any benefit accuring to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street, at or about the same time that the public street, on account of which the compensation is paid, is closed.

275. Acquisition of land and buildings for improvement of streets.—(1) The Commissioner may, subject always to such sanction as may be required, acquire—

(a) any land required for the purpose of widening, opening, extending or otherwise improving any public street or of making any new public street, and the building if any, standing upon such land;

(b) any land outside the proposed street alignment with the building if any, standing thereupon which the corporation may consider it expedient to acquire.

(2) Any land or building acquired under clause (b) of sub-section (1) may be sold, leased or otherwise disposed of, after public advertisement, and any conveyance made for that purpose, may comprise such conditions as the standing committee thinks fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.

(3) The standing committee may require any person to whom any land or building is transferred under sub-section (2) to comply with any conditions comprised in the said conveyance before it places him in possession of the land or building.

276. Powers to prescribe building line and street alignment.—The standing committee may—

(a) prescribe for any public street, a building line or a street alignment or both a building line and a street alignment;

(b) from time to time, but subject in each case to its receiving the authority of the corporation in that behalf, define a fresh line in substitution for any line so defined or for which fresh line is proposed to be defined; and

(i) unless, at least one month before the meeting of the corporation at which the matter is considered, public notice of the proposal has been given by the Commissioner by advertisement in the local newspapers and in the official Gazette, and also special notice thereof, signed by the Commissioner has been put up in the street or part of the street for which fresh line is proposed to be defined; and

(ii) until the corporation has considered all objections to the said proposals made in writing and delivered at the corporation office not less than three clear days before the day of such meeting.

277. Restriction on erection of or addition to buildings within street alignment or building line.—(1) No person shall construct any portion of any building within a street alignment defined under section 276, provided however that the Commissioner may in his discretion permit additions to a building to be made within a street alignment, if such addition merely add to the height and rest upon an existing building or wall, upon the owner of the building executing an agreement binding himself and his successors in interest:—

(a) not to claim compensation in the event of the Commissioner at any time thereafter calling upon him or his successors to remove any building erected or added to in pursuance of such permission or any portion thereof; and

(b) to pay the expenses of such removal:

Provided that the Commissioner shall, in every case in which he gives permission, report his reasons, in writing to the standing committee.

(2) If the Commissioner refuses to grant permission to erect or add to any building on the ground that the pro-

posed site falls wholly or in part within a street alignment prescribed under section 281 and if such alignment be not acquired on behalf of the corporation within one year after the date of such refusal, the corporation shall pay reasonable compensation to the owner of the site.

(3) No person shall erect or add to any building between a street alignment and a building line defined under section 281 except with the permission of the Commissioner who may when granting the permission impose such conditions as the standing committee may lay down for such cases.

278. Setting back projecting building or wall.—(1) When any building or part thereof abutting on a public street is within a street alignment defined under section 281 the Commissioner, may, whenever it is proposed—

(a) to rebuild such building or take it down to an extent exceeding one-half thereof above the ground level such half to be measured in cubic metre; or

(b) to remove, reconstruct or take any condition to any portion of such building which is within the street alignment in the order which the issues concerning the re-building alteration or repair of such building, require such building to be set back to the street alignment.

(2) When any building or any part thereof within the street alignment falls down or is burnt down or is whether by order of the Commissioner or otherwise, taken down, the Commissioner may forthwith take possession on behalf of the corporation of the portion of land within the street alignment thereof occupied by the said building and, if necessary, clear it.

(3) Land acquired under this section shall be deemed a part of the public street and shall vest in the corporation.

(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when the Commissioner takes possession of any land under sub-section (2), the corporation shall forthwith make full com-

pensation to the owner for any direct damage which he may sustain thereby.

Explanation.—The expression, "direct damage" as used in sub-section (4) with reference to land means, the market value of the land taken and the depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size ; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of site.

279. Additional power of Commissioner to order setting back of buildings to regular line of street.—(1) If any building or any part thereof is within the regular line of a public street and if, in the opinion of the Commissioner, it is necessary to set back the building to the regular line of the street he may, if the provisions of section 278 do not apply, by written notice,—

(a) require the owner of such building to show cause within such period as is specified in such notice by a statement in writing subscribed by him or by an agent duly authorised by him in that behalf and addressed to the Commissioner, why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the Commissioner ; or

(b) require the said owner on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf and show cause why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the Commissioner.

(2) If such owner fails to show sufficient cause to the satisfaction of the Commissioner why such building or any part thereof, which is within the regular line of the street shall not be pulled down and the land within the said line acquired as aforesaid, the Commissioner, may, with the

approval of the standing committee, require the owner by a written notice, to pull down the building or the part thereof which is within the regular line of the street within such period as is prescribed in the notice.

(3) If within such period the owner of such building fails to pull down such building or any part thereof coming within the said line, the Commissioner may pull down the same and all the expenses incurred in so doing shall be paid by the owner.

(4) The Commissioner shall at once take possession on behalf of the corporation of the portion of the land within the said line theretofore occupied by the said buildings and such land shall thence forward be deemed a part of the public street and shall vest as such in the corporation.

(5) Nothing in this section shall be deemed to apply to buildings vesting in the Government.

280. Setting forward building to improve line of street.—The Commissioner may, upon such terms as he thinks fit, allow any building to be set forward for the purpose of improving the line of a public street and may with the sanction of the standing committee by notice require any building to be so set forward in the case of reconstruction thereof or of new construction.

Explanation.—For the purpose of this section a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed a sufficient compliance with permission or requisition to set forward a building to the street alignment if a wall of such material and dimensions as are approved by the Commissioner is erected along the said line.

281. Projected streets.—(1) The standing committee may prepare schemes and plans of proposed public streets, showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable.

(2) The width of such proposed streets shall not ordinarily be less than twelve meters or in any area covered by huts, six meters.

(3) When any plan has been prepared under sub-section (1), the provisions of section 277 shall apply to all buildings, so far as they stand across the street alignment of the projected street.

282. Temporary closure of streets.—The Commissioner may by an order temporarily close any street to traffic, for repair, or in order to carry out any works connected with drainage, water supply or lighting or any of the puposes of this Act :

Provided that such work shall be completed and street re-opened to traffic with all reasonable speed.

283. Protection of appurtenances and materials of streets.—It shall not be lawful for any person, without the permission of the Commissioner, to displace, take up or make up or make any alteration in the fences, posts, pavement, flags or other materials of any public street.

284. Power of the corporation to recover expenses caused by extraordinary traffic.—When, by a certificate of an officer of the Government not below the rank of an Executive Engineer of the Public Works Department it appears to the Commissioner that having regard to expenses of repairing roads in the neighbourhood extraordinary expenses have been incurred by the corporation in repairing a street by reason of the damage caused by excessive weight passing along the street or extraordinary traffic thereon, or by any process of loading, unloading, or depositing excessive weights thereon, the Commissioner may recover in the civil court, from any person by or in consequences of whose order such damage has been caused, the amount of such expenses as may be proved to the satisfaction of such court to have been incurred by the corporation by reason of the damage arising from such weight or traffic as aforesaid :

Provided that any person from whom expenses are or may be recoverable under this section may enter into an agreement with the corporation for the payment to it of a composition in respect of such weight or traffic and thereupon the persons so paying shall not be subject to any proceedings under this section.

285. Owner's obligation to make a street when disposing of land as building sites.—If the owner of any land utilises, sells, leases or otherwise disposes of such land or any portion or portions of the same as sites for the construction of buildings, he shall, save in such cases as the site or sites may abut on an existing public or private street, lay down and make a street or streets or road or roads giving access to the site or sites and connecting with an existing public or private street.

286. Making of new private streets.—(1) Any person intending to lay out or make a new private street must send to the Commisssioner a written application with plans and sections showing the following particulars, namely :—

(a) the intended level, direction and width of the street ;

(b) the street alignment and the building line ; and

(c) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining conserving and lighting the street.

(2) The provisions of this Act and of any rules or bye-laws made thereunder as to the level and width of public streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (1) and all the particulars referred to in that sub-section shall be subject to approval by the standing committee

(3) Within sixty days after the receipt of any application under sub-section (1) the standing committee shall

either sanction the making of street on such conditions as it may think fit or disallow it or ask for further information with respect to it.

(4) Such sanction may be refused,—

(i) if the proposed street would conflict with any arrangements which have been made or which are in the opinion of the standing committee likely to be made, for carrying out any general scheme of street improvement;

(ii) if the proposed street does not conform to the provision of the Act, the rules and bye-laws referred to in sub-section (2); or

(iii) if the proposed street is not designed, so as to connect at one end with a street which is already open.

(5) No person shall lay out or make any new private street without or otherwise than in conformity with the order of the standing committee. If further information is asked for, no steps shall be taken to lay out or make the street until orders have been passed upon receipt of such information :

Provided that the passing of such orders shall not in any case be delayed for more than sixty days after the standing committee has received all the information which it considers necessary to enable it to deal finally with the said application.

(6) If the standing committee does not refuse sanction within sixty days from the receipt of the application under sub-section (1) or from the receipt of all the information asked for under sub-section (5), such sanction shall be deemed to have been given and the applicant may proceed to make the street, but not so as to contravene any of the provisions of this Act or the rules or bye-laws made under this Act.

287. Alteration or demolition of street made in breach of section 286.—(1) If any person lays out or marks any street referred to in section 286 without or otherwise than

in conformity with the orders of the standing committee the Commissioner, may, whether or not the offender be prosecuted under this Act, by notice require the offender to,—

(a) show sufficient cause, by a written statement signed by him and sent to the Commissioner on or before such day as may be specified in the notice why such street should not be altered to the satisfaction of the Commissioner, or if such alteration be impracticable, why such street should not be demolished ; or

(b) appear before the Commissioner either personally or by duly authorised agent on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the Commissioner why such street should not be so altered or demolished, the Commissioner may pass an order directing the alteration or demolition of such street.

288. Power of Commissioner to order work to be carried out or to carry it out himself in default.—(1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Commissioner, he may by notice require the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building to carry out any work which in his opinion may be necessary and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the Commissioner may, if he thinks fit, execute it and the expenses incurred shall be paid by the owner referred to in sub-section (1) in such proportions as may be settled by the Commissioner.

289. Right of owners to require streets to be declared public.—If any street has been levelled, paved, metalled, flagged, channelled, sewered, drained, conserved and lighted under the provisions of section 288, such street shall, on the requisition of a majority of the owners referred to in sub-section (1) of that section, be declared a public street.

290. Prohibition against obstructions in streets.—No one shall build any wall or erect any fence or other obstruction or projection or make any encroachment in or over any street or any public place the control of which is vested in the corporation except as hereinafter provided.

291. Prohibition and regulation of doors, ground-floor windows and bars opening outwards.—(1) No door, gate, bar or ground-floor window shall, without a licence from the Commissioner, be hung or placed so as to open outwards upon any street.

(2) The Commissioner may, by notice require the owner of such door, gate, bar or window to alter it so that no part thereof when open shall project over the street.

292. Removal of encroachment.—(1) The Commissioner may, by notice require the owner or occupier of any premises to remove or alter any projection, encroachment or obstruction (other than a door, gate, bar or ground-floor, window) situated against or in front of such premises and in or over any street or any public place the control of which is vested in the corporation.

(2) If the owner or occupier of the premises proves that any such projection, encroachment or obstruction has existed for a period sufficient under the law of limitation to give him a prescriptive title (or where such period is less than thirty years, for a period of thirty years), or that it was erected with the consent of any municipal authority duly empowered in that behalf, and that the period, if any, for which the consent is valid has not expired, the corporation shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

293. Power to allow certain projections and erections.—(1) The Commissioner may grant a licence subject to such conditions and restrictions as he may think fit to the owner or occupier of any premises,—

(a) to put-up or continue to have verandahs, balconies, sub-shades, weather-frames and the like to project over a street; or

(b) in streets in which the constructions of arcades has been sanctioned by the corporation to put up or continue to have an arcade ; or

(c) to construct any step or drain-covering necessary for access to the premises.

(2) The Commissioner may grant a licence subject to such conditions and restrictions as he may think fit for any temporary construction in any street or in any public place the control of which is vested in the corporation.

(3) No licence shall be granted under sub-section (1) if the projection or construction is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road as such.

(4) On the expiry of any period for which a licence has been granted under this section or after due communication of an order of suspension or revocation of such licence the Commissioner may, without notice, cause any projection or construction put up under sub-section (1) or (2) to be removed, and the cost of so doing shall be recoverable in the manner provided in section 478 from the person to whom the licence was granted.

(5) The corporation shall have power to lease road sides and street margins vested in the corporation for occupation on such terms and conditions and for such period as it may fix :

Provided that no such road sides and street shall be leased out for any term exceeding three years without prior sanction of the Government :

Provided further that if the Government consider that any occupation of a road side or street margin under a lease granted by the corporation under this section is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road side or street margin as such,, the Government may direct the corporation to cancel or modify the lease and the corporation shall thereupon cancel or modify the lease accordingly.

294. Precautions during repair of streets.—(1) The Commissioner shall, so far as is practicable, during the construction or repair of any street, drain or premises vested in the corporation,—

(a) cause the same to be fenced and guarded ;

(b) take proper precautions against accident by shoring up and protecting adjoining buildings ; and

(c) cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The Commissioner shall cause such drain, street or premises to be sufficiently lighted or guarded during the night while under its construction or repair.

(3) The Commissioner shall, with all reasonable speed, cause the said work to be completed, the ground to be filled in the said drain, street or premises to be repaired and the rubbish occasioned thereby to be removed.

295. Prohibition against removal of bars and lights.—No person shall without lawful authority remove any bar, chain, post or shoring timber or remove or extinguish any light set up under section 294.

296. Making holes and causing obstruction.—(1) No person shall make a hole or cause any obstruction in any street unless he previously obtains the permission of the Commissioner and complies with such conditions as he may impose.

(2) When such permission is granted, such person shall, at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed, until the hole or obstruction is filled up or removed and shall cause hole or obstruction to be sufficiently lighted during the night.

(3) If any obstruction is caused in any street by the fall of structures, trees, or fences, the owner or occupier of the premises concerned shall, within twelve hours of the occurrence of such fall or within such further period as the Commissioner may by written order allow, clear the street of such obstruction.

297. Licence for work on buildings likely to cause obstruction.—If any person intends to construct or demolish any building or to alter or repair the outward part thereof and if any street or foot-way is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a licence from the Commissioner in that behalf and shall also,—

(a) cause the said building to be fenced and guarded;

(b) sufficiently light it during the night; and

(c) take proper precautions against accidents during such time as the public safety or convenience requires.

298. Naming or numbering of public streets.—(1) The corporation shall give names or numbers to new public streets and may, subject to the approval of the Government, alter the name or number of any public street.

(2) The Commissioner shall cause to be put up or painted on a conspicuous part of some building, wall, or place, at or near each end, corner or entrance of every public street, the name or number by which it is to be known.

(3) No person shall without lawful authority destroy, pull down or deface any such name or number or put up

any name or number different from that put up by order of the Commissioner.

299. Numbering of buildings.—(1) The Commissioner may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the enclosure thereof.

(2) No person shall without lawful authority destroy, pull down or deface any such number.

(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced, and if he fails to do so, the Commissioner may, by notice, require him to replace it.

CHAPTER XV

REGULATION OF BUILDINGS

General Powers

300. Building bye-laws.—(1) With the approval of the Government the corporation may make bye-laws,—

(a) for the regulation or restriction of the use of sites or buildings, and

(b) for the regulation or restriction of building.

(2) Without prejudice to the generality of the power conferred by clause (a) of sub-section (1), bye-laws made under that clause may provide,—

(a) that no insanitary or dangerous site shall be used for building, and

(b) for the regulation or restriction of the construction of buildings intended for public worship on sites.

(3) Without prejudice to the generality of the power conferred by clause (b) of sub-section (1), bye-laws made under that clause may provide for the following matters :—

(a) information and plans to be submitted together with applications for permission to build

(b) height of buildings, whether absolute or relative to the width of streets ;

(c) level and width of foundation, level of lowest floor and stability of structure ;

(d) number and height of storeys composing a building and height of rooms ;

(e) provision of sufficient open space, external or internal, and adequate means of ventilation ;

(f) provision of means of egress in case of fire ;

(g) provision of secondary means of access for the removal of house refuse ;

(h) materials and methods of construction of external and party walls, roofs, and floors ;

(i) position, materials and methods of construction of hearths, smoke escapes, chimneys, staircases, privies drains, cesspools ;

(j) paving of yards ;

(k) restrictions on the use of the inflammable materials in building ;

(l) in the case of wells, dimensions of the well, the manner of enclosing it and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of water.

(4) Every bye-law made under sub-section (1) relating to grant of licence for the construction or reconstruction of a building shall provide that planting of trees and plants in the premises shall be a condition of every licence granted for the construction or reconstruction of any such building.

(5) No piece of land shall be used as a site for the construction of a building, and no building shall be constructed or reconstructed otherwise than in accordance with the provisions of this Act and of any rules or bye-laws made thereunder relating to the use of building sites or the construction or re-construction of buildings.

301. Power of corporation to regulate future construction of certain classes of buildings in particular streets or localities.—(1) The corporation may give public notice of its intention to declare,—

(a) that in any streets or portions of streets specified in the notice,—

(i) continuous building will be allowed ;

(ii) the elevation and construction of the frontage of all buildings thereafter constructed or reconstructed shall, in respect of their architectural features, be such as the Standing Committee may consider suitable to the locality, or

(b) that in any localities specified in the notice the construction of only detached buildings will be allowed, or

(c) that in any streets, portions of streets of localities specified in the notice, the contruction of shops, warehouses, factories, huts or buildings of a specified architectural character or buildings designed for particular uses will not be allowed without the special permission of the standing committee.

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The standing committee shall consider all objections received within the said period and may then confirm the declaration, and before doing so, may modify it, but not so as to extend its effect.

(4) The Commissioner shall publish any declaration so confirmed and it shall take effect from the date of publication.

(5) No person shall, after the date of publication of such declaration, construct or reconstruct any building in contravention of any such declaration.

302. Building at corner of streets.—(1) The corporation may require any building intended to be erected at the corner of two streets to be rounded off or displayed

off to such height and to such extent otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired the corporation shall pay compensation.

(3) In determining such compensation allowance shall be made for any benefit according to the same premises from the improvement of the streets.

303. Prohibition against use of inflammable materials for buildings, etc., without permission.—(1) No external roof, verandah, pendal or wall of a building and no shed or fence shall be constructed or re-constructed of cloth, grass, leaves, mats or other inflammable materials except with the permission of the Commissioner, nor shall any such roofs, verandah, pendal, wall, shed or fence constructed or re-constructed in any year be retained in a subsequent year, except with such permission.

(2) Every permission granted under sub-section (1) shall expire at the end of the year for which it is granted.

304. Application to construct or re-construct building.—(1) If any person intends to construct or re-construct a building, he shall send to the Commissioner an application in writing for permission to execute the work together with a site plan of the land, ground-plan, elevations and sections of the building, a specification of the work and such other documents.

Explanation.—'Building' in this sub-section shall include a wall or fence of whatever height bounding of abutting on any public street.

(2) Every document furnished under sub-section (1) shall contain such particulars and be prepared in such manner as may be required under rules or bye-laws.

305. Prohibition against commencement of work without permission.—The construction or re-construction

of a building shall not be begun unless and until the Commissioner has granted permission for the execution of the work.

306. Period within which Commissioner is to grant or refuse to grant permission to execute work.—Within thirty days after the receipt of any application made under section 304 for permission to execute any work or of any information or of documents or further information or documents required under rules or bye-laws the Commissioner shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 308 or section 309 to grant it.

307. Reference to standing committee if Commissioner delays grant or refusal of approval or permission.—(1) If, within the period laid down in section 306 the Commissioner has neither given nor refused his approval of a building site, or his permission to execute any work, as the case may be, the standing committee shall be bound, on the written request of the applicant, to determine by written order whether such approval or permission should be given or not.

(2) If the standing committee does not, within one month from the receipt of such written request, determine whether such approval or permission should be given or not such approval or permission shall be deemed to have been given and the applicant may proceed to execute the work, but not as to contravene any of the provisions of this Act or any rules or bye-laws made under this Act.

308. Grounds on which approval of site for, or permission to construct building, may be refused.—(1) The only grounds on which approval of a site for the construction or re-construction of a building or permission to construct or re-construct a building may be refused, are the following, namely :—

(a) that the work or the use of the site for the work or any of the particulars comprised in the site plan, ground-

plan, elevations, sections, or specification would contravene some specified provision of any law or some specified order, rule, declaration or bye-law made under any law ;

(b) that the application for such permission does not contain the particulars or is not prepared in the manner required under rules or bye-laws ;

(c) that any of the documents referred to in section 309 have not been signed as required under rules or bye-laws ;

(d) that any information or documents required by the Commissioner under the rules or bye-laws has or have not been duly furnished ;

(e) that streets or roads have not been made as required by section 285 ;

(f) that the proposed building would be an encroachment upon Government or corporation land ;

(g) that the site of such building does not abut on a street or a projected street and there is no access to such building from any such street by a passage or pathway appertaining to such site and not less than five meters wide at any part.

(2) Whenever the Commissioner of the standing committee refuses to approve a site for a building or to grant permission to construct or re-construct a building the reasons for such refusal shall be specially stated in the order.

309. Restriction on the power to sanction construction of a place of entertainment in certain cases.—Notwithstanding anything contained in this Act or any rule or bye-law made thereunder, the construction of, or any addition to any building of public entertainment or any addition thereto, shall not, except with the previous approval of the Government, be sanctioned by the Commissioner or the standing committee, if the site of, or proposed for, such building is—

(a) within a radius of two hundred meters from,—

(i) any residential institution attached to a recognised educational institution such as a college, high school or girls school ; or

(ii) a public hospital with a large indoor patient ward ; or

(iii) an orphanage containing one hundred or more inmates ; or

(b) in any thickly populated residential area which is either exclusively residential or reserved or used generally for residential as distinguished from business purposes ; or

(c) in any area reserved for residential purposes by any housing or planning scheme or otherwise under any enactment :

Provided that no permission to construct any building intended to be used for cinematograph exhibition shall be given unless the standing committee is satisfied that sanction to the plans and specifications have been obtained in accordance with the Karnataka Cinemas (Regulation) Act, 1964 (Karnataka Act 23 of 1964) and the rules made thereunder.

310. Special powers for suspending permission to construct buildings.—(1) Notwithstanding anything contained in section 308, if any street shown in the site plan is an intended private street, the Commissioner may at his discretion refuse to grant permission to construct a building, until the street is commenced or completed.

(2) Notwithstanding anything contained in sections 306 and 308, the Commissioner may refuse approval of site for the construction or re-construction of a building on the ground that the site or the site on which the building is situated is proposed to be acquired for a public purpose, provided that such refusal shall cease to operate after a period of six months from the date of communication of the refusal to the applicant.

311. Lapse of permission if not acted upon within two years.—If the construction or re-construction of a building is not commenced within two years after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this Chapter.

312. Inspection by Commissioner.—The Commissioner may inspect any building during the construction or re-construction thereof, or within one month from the date of receipt of the notice given under section 116.

313. Power of Commissioner to require alteration of work.—(1) If the Commissioner finds that the work,—

(a) is otherwise than in accordance with the plans or specifications which have been approved, or

(b) contravenes any of the provisions of this Act or any rule, bye-law, order or declaration made under this Act he may by notice require the owner of the building within a period stated, either,—

(i) to show cause why such alterations should not be made, or

(ii) to make such alterations as may be specified in the said notice with the object of bringing the work into conformity with the said plans, specifications or provisions.

(2) If the owner does not show cause as aforesaid he shall be bound to make the alterations specified in such notice.

(3) If the owner shows cause as aforesaid the Commissioner shall by an order cancel the notice issued under sub-section (1) or confirm the same subject to such modifications as he may think fit.

314. Stoppage of work endangering human life.—Notwithstanding anything contained in any of the preceding sections, the Commissioner may at any time stop the

construction or re-construction of any building if in his opinion the work in progress endangers human life.

315. Completion certificate and permission to occupy or use.—(1) Every person shall, within one month after the completion of the erection of a building or the execution of any such work, deliver or send or cause to be delivered or sent to the Commissioner at his office notice in writing of such completion, accompanied by a certificate in the form prescribed in the bye-laws signed and subscribed in the manner prescribed and shall give to the Commissioner all necessary facilities for the inspection of such buildings or of such work and shall apply for permission to occupy the building.

(2) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any work, until,—

(a) permission has been received from the Commissioner in this behalf, or

(b) the Commissioner has failed for twenty-one days after receipt of the notice of completion to intimate his refusal of the said permission.

316. Provisions not to apply to huts.—In sections 304 to 315 the word 'building' does not include a hut.

317. Application of certain sections to wells.—The provisions of sections 304, 305, 311, 312, 313 and 314 shall, so far as may be, apply to wells.

318. Application to construct or re-construct huts.—(1) Every person who intends to construct or re-construct a hut shall send to the Commissioner,—

(a) an application in writing for permission to execute the work, and

(b) a site-plan of the land.

(2) Every such application and a plan shall contain the particulars and be prepared in the manner required under the rules or bye-laws.

319. Prohibition against commencement of work without permission.—The construction or re-construction of a hut shall not be commenced unles and until the Commissioner has granted permission for the execution of the work on an application sent to him under section 318.

320. Period within which Commissioner is to grant or refuse to grant permission to execute the work.—Within fourteen days after the receipt of any application made under section 318 for permission to construct or re-construct a hut, or of any information or plan or further information or fresh plan required under rules or bye-laws, the Commissioner shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 322 to grant it.

321. Reference to standing committee if Commissioner delays to grant permission.—(1) If within the period laid down in section 320, the Commissioner has neither granted nor refused to grant permission to construct or re-construct a hut, the standing committee shall be bound on the written request of the applicant to determine by written order whether such permission should be granted or not.

(2) If the standing committee does not, within thirty days from the receipt of such written request determine whether such permission should be granted or not, such permission shall be deemed to have been granted ; and the applicant may proceed to execute the work but not so as to contravene any of the provisions of this Act or any rules or bye-laws made under this Act.

322. Grounds on which permission to construct or re-construct hut may be refused.—(1) The only grounds on which permission to construct or re-construct a hut be refused are the following, namely,—

(a) that the work or the use of the site for the work would contravene some specified provision of any law or

some specified rule, bye-law, order or declaration made under any law;

(b) that the application for permission does not contain the particulars or is not prepared in the manner required under rules or bye-laws;

(c) that any information or plan required by the Commissioner under rules or bye-laws has not been duly furnished;

(d) that streets or roads have not been made as required by section 285;

(e) that the land on which the hut is to be constructed or the street or streets on which such land abuts are not adequately drained, levelled or lighted;

(f) that the proposed hut would be an encroachment upon Government or corporation land.

(2) Whenever the Commissioner or standing committee refuses to grant permission to construct or reconstruct a hut, the reason for such refusal shall be specifically stated in the order.

323. Lapse of permission if not acted upon within six months.—If the construction or reconstruction of any hut is not commenced within six months after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this Chapter.

324. Maintenance of external walls in repair.—The owner or occupier of any building adjoining a street shall keep the external part thereof in proper repair with lime-plaster or other material to the satisfaction of the Commissioner.

325. Application of provisions to alterations and additions.—(1) The provisions of this Chapter and of any rules or bye-laws made under this Act relating to construction and re-construction of the buildings or huts shall also be applicable to any alteration thereof or addition thereto :

Provided that works of necessary repair which do not affect the position or dimensions of a building or hut or any room in a building therein shall not be deemed an alteration or addition for the purpose of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building or hut or room in a building therein, such question shall be referred to the standing committee, whose decision shall be final.

326. Demolition or alteration of buildings or well-work unlawfully commenced, carried on or completed.—(1) If the Commissioner is satisfied,—

(i) that the construction or re-construction of any building or hut or well,—

(a) has been commenced without obtaining his permission or where an appeal or reference has been made to the standing committee, in contravention of any order passed by the standing committee ; or

(b) is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which such permission or order was based ; or

(c) is being carried on, or has been completed in breach of any of the provisions of this Act or of any rule or bye-law made under this Act or of any direction or requisition lawfully given or made under this Act or such rules or bye-laws ; or

(ii) that any alterations required by any notice issued under section 313, have not been duly made ; or

(iii) that any alteration of or addition to any building or hut or any other work made or done for any

purpose into, or upon any building or hut, has been commenced or is being carried on or has been completed in breach of section 325,

he may make a provisional order requiring the owner of the building to demolish the work done, or so much of it as, in the opinion of the Commissioner, has been unlawfully executed, or make such alternations as may, in the opinion of the Commissioner, be necessary to bring the work into conformity with the Act, rules, bye-laws, directions or requisitions as aforesaid, or with the plans or particulars on which such permission or orders was based and may also direct that until the said order is complied with the owner or builder shall refrain from proceeding with the building or well or hut.

(2) The Commissioner shall serve a copy or the provisional order made under sub-section (1) on the owner or builder of the building or hut or well together with a notice requiring him to show cause within a reasonable time to be named in such notice why the order should not be confirmed.

(3) If the owner or builder fails to show cause to the satisfaction of the Commissioner, the Commissioner may confirm the order, with any modification he may think fit and such order shall then be binding on the owner.

(4) If the construction or reconstruction of any building or hut is commenced contrary to the provisions of section 309 or 319 and the Commissioner is of the opinion that immediate action should be taken, then, notwithstanding anything contained in this Act, a notice to be given under sub-section (2)*** shall not be of less duration than twenty-four hours and shall be deemed to be duly served if it is affixed in some conspicuous part of the building or hut to which the notice relates and published by proclamation at or near such building or hut accompanied by beat of drum, and upon such affixation and publication, all persons concerned shall be deemed, to have been duly informed of the matters stated therein.

CHAPTER XVI

NUISANCES

327. Precautions in case of dangerous structures.—(1) If any structure be deemed by the Commissioner to be in ruinous state or dangerous to passers by or to the occupiers of neighbouring structures, the Commissioner may, by notice require the owner or occupier to fence off, take down, secure or repair such structure so as to prevent any danger therefrom.

(2) If immediate action is necessary, the Commissioner may himself, before giving such notice or before the period of notice expires fence off, take down, secure or repair such structure or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner or occupier in the manner provided in section 475.

(3) If in the Commissioner's opinion the said structure is imminently dangerous to the inmates thereof, the Commmissioner shall order the immediate evacuation thereof and any persons disobeying may be removed by any police officer.

328. Precautions in case of dangerous trees.—(1) If any tree or any branch of a tree or the fruit of any tree be deemed by the Commissioner to be likely to fall and thereby to endanger any person or any structure, the Commissioner may by notice require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary, the Commissioner may himself before giving such notice or before the period of notice expires secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or to take such temporary measures, as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner provided in section 475.

329. Precautions in case of dangerous tanks, wells holes, etc.—(1) If any tank, pond, well, hole, stream, dam, bank or other place be deemed by the Commissioner to be for want of sufficient repair, protection or enclosure, dangerous to the passers by or to persons living in the neighbourhood, the Commissioner may by notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary the Commissioner may himself, before giving such notice or before the period of notice expires, take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner in the manner provided in section 475.

330. Precaution against fire.—(1) The Commissioner may by notice require the owner of any structure, booth or tent, partly or entirely composed of or having any external roof, verandah, pendal, fence, or wall partly or entirely composed of cloth, grass, leaves, mats or other inflammable materials to remove or alter such structure, booth, tent, roof, verandah, pendal, fence or wall, or may grant him permission to retain the same on such conditions as the Commissioner may think necessary to prevent danger from fire.

(2) The Commissioner may by notice require any person using any place for the storage for private use of timber, firewood or other combustible things to take special steps to guard against danger from fire.

(3) Where the Commissioner is of opinion that the means of egrees from any structure are insufficient to allow of safe exit in the event of fire, he may with the sanction of the standing committee by notice require the owner or occupier of the structure to alter or re-construct any staircase in such manner or to provide such additional or emergency stair-cases as he may direct; and when any structure, booth or tent is used for purposes of public entertainment, he may require, subject to such sanction as aforesaid, that

it shall be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress, that the seating be so arranged as not to interfere with free access to the exits and that the gangways, passage and staircases leading to the exits shall, during the presence of the public, be kept clear of obstructions.

331. Prohibition of construction of wells, tanks, etc., without the Commissioner's permissions.—(1) No new well, tank, pond, cistern, fountain or the like shall be dug or constructed without the permission of the Commissioner.

(2) The Commissioner may grant permission, with or without conditions, or may refuse it.

(3) If any such work is begun or completed without such permission, the Commissioner may either,—

(a) by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as he shall direct; or

(b) grant permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).

332. Power to stop dangerous quarrying.—If in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other materials from any place is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner, may, with the approval of the standing committee, by notice, require the owner or person having control of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

333. Power to order filling in pools, etc., which are a nuisance and regulation of agriculture within the city.— (1) If in the opinion of the Commissioner,—

(a) any pool, ditch, tank, well, pond, bog, swamp, quarry-hole, drain, cess-pool, pit, water-course or any collection of water ; or

(b) any land on which water may at any time accumulate,

is or is likely to become a breeding-place of mosquitoes or in any other respect a nuisance the Commissioner may, by notice, require the owner or person having control thereof to fill up, cover, weed, stock with weed, stock with larvicidal fish, treat with kerosene, oil, drain or wrain off the same in such manner and with such materials as the Commissioner shall direct or to take such order with the same for removing or abating the nuisance as the Commissioner shall direct.

(2) If a person on whom a requisition is made under sub-section (1) to fill up, cover over, or drain off a well, delivers to the Commissioner, within the time fixed for compliance therewith written objections to such requisition the Commissioner shall report such objections to the standing committee and shall make further inquiry into the case, and he shall not institute any prosecution for failure to comply with such requisition except with the approval of the standing committee, but the Commissioner may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 467 and pending the standing committee's disposal of the question whether the said well shall be permanently filled up, covered over or othrwise dealt with, may cause such well to be securely covered over, so as to prevent the ingress of musquitoes and in every such case the Commissioner shall determine with the approval of the standing committee, whether the expenses of any work already done as aforesaid shall be paid by the owner or by the Commissioner out of the corporation fund or shall be shared and if so, in what proportions.

(3) On the report of the health officer that the cultivation of any specified crop, or the use of any specified manure or the irrigation of land in any place within the limits of the city is injurious to the public health, the corporation may, with the previous sanction of the Government by public notice, regulate or prohibit the cultivation, use of manure or irrigation so reported to be injurious :

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the corporation fund to all persons interested for any damage caused to them by such prohibition.

334. Power to order cleansing of insanitary private water course, spring, tank, well, etc., used for drinking.— (1) The Commissioner may by notice require the owner or person having control over any private water course, spring, tank, well or other place the water of which is used for drinking, bathing or washing clothes to keep the same in good repair, to cleanse it, in such manner as the Commissioner may direct and to protect it from pollution caused by surface drainage or other matter in such manner as may be provided in the notice.

(2) If the water of any private tank, well, or other place which is used for drinking or washing clothes, as the case may be, is proved to the satisfaction of the Commissioner to be unfit for that purpose, the Commissioner may by notice require the owner or person having control thereof to,—

(a) refrain from using or permitting the use of such water ; or

(b) close or fill up such place or enclose it with a substantial wall or fence.

335. Duty of Commissioner in respect of public well or receptacle or stagnant water.—If it appears to the Commissioner, that any public well or receptacle or stagnant water is likely to be injurious to health or offensive

to the neighbourhood, he shall cause the same to be cleansed, drained or filled up.

336. Prohibition against contaminating water supply.—It shall not be lawful for any person to,—

(a) bathe in any tank, reservoir, conduit, fountain, well or other place set apart by the corporation or by the owner thereof, for drinking purposes ;

(b) wash or cause any animal or thing to be washed in any such place ;

(c) throw, put or cause to enter into the water in any such place, any animal, or thing whereby the water may be fouled or polluted ; or

(d) cause or suffer to drain into or upon any such place, or cause or suffer anything to be brought thereunto or do anything, whereby the water may be fouled or polluted.

337. Untenanted buildings or lands.—If any building or land, by reason of abandonment, disputed ownership or other cause remains untenanted and thereby becomes a resort of idle or disorderly persons or in the opinion of the Commissioner becomes a nuisance, the Commissioner may after due inquiry by notice require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same.

338. Removal of filth or noxious vegetation.—The Commissioner may by notice require the owner or occupier of any building or land (which appears to him to be in a filthy or unwholesome state or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or offensive to the neighbourhood), to cleanse, clear or otherwise put the building or land in proper state or to clear away and remove such vegetation, trees or undergrowth within twenty-four hours or such longer period and in such manner as may be specified in the notice.

339. Abatement of nuisance from dust, smoke, etc.—If in the opinion of the Commissioner the storage, dumping or deposit in any building or land of coal, charcoal,

ashes, cinders, gunny bags, wool, cotton or any material or the shifting, breaking, cutting or burning of such coal, charcoal, ashes, cinders or material or subjecting the same to any process causes or is likely to cause nuisance to the inhabitants in the neighbourhood of such building or land, by the emanation of dust, floating particles, smoke, unwholesome smell or noise or otherwise, he may, by notice, require the owner or occupier of such building of land to take such steps as may be specified in the notice for the abatement of such nuisance.

340. Fencing of buildings or lands and pruning of hedges and trees.—The Commissioner may by notice require the owner or occupier of any building or land near a public street to,—

(a) fence the same to the satisfaction of the Commissioner; or

(b) trim or prune any hedges bordering on the said street so that they may not exceed such height from the level of the adjoining roadway as the Commissioner may determine; or

(c) cut and trim any hedges and trees overhanging the said street and obstructing it or the view of traffic or causing it damage; or

(d) lower an enclosing wall or fence which by reason of its height and situation obstructs the view of traffic so as to cause danger.

341. Limewashing and cleaning of buildings.—The Commissioner if it appears to him necessary for sanitary purposes so to do may by notice require the owner or occupier of any building to limewash or otherwise cleanse the building inside and outside in the manner and within a period to be specified in the order.

342. Further powers with reference to insanitary buildings.—(1) Whenever the Commissioner considers.—

(a) that any building or portion thereof is, by reason of its having no plinth or having a plinth of insufficient

height or by reason of the want of proper drainage or ventilation or by reason of the impracticability of cleaning, attended with danger of disease to the occupier thereof or to the inhabitants of the neighourhood, or is for any reason likely to endanger the public health or safety, or

(b) that a block or group of buildings, is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as afroesaid,

he may by notice require the owners or occupiers of such buildings or portions of buildings, or at his option the owners of and occupied by such buildings or portions of buildings to execute such works or to take such measure as he may deem necessary for the prevention of such danger.

(2) No person shall be entitled to compensation for damages sustained by reason of any action taken under or in pursuance of this section save when a building is demolished in pursuance of an order made hereunder or so far demolished as to require reconstruction, in which cases the corporation shall make reasonable compensation to the owner thereof.

(3) When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first named building in such proportion to the increased value acquired by their respective buildings as may be determined by the Commissioner.

(4) When any building is so far demolished under this section as to require reconstruction ,allowance shall be made, in determing the compensation, for the benefit accruing to the premises from the improvement thereof.

343. Building unfit for human habitation.—(1) If any building or portion thereof, intended for or used as a dwelling-place appears to the Commissioner to be unfit for human habitation he may apply to the standing committee to prohibit the further use of such building for such purpose, and the standing committee may, after giving the owner and occupiers thereof a reasonable opportunity of showing cause why such order should not be made, make a prohibitory order as aforesaid.

(2) When any such prohibitory order has been made, the Commissioner shall communicate the purport thereof to the owner and occupier of the building and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice, no owner or occupier shall use or suffer it to be used for human habitation until the Commissioner certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction or the standing committee withdraws the prohibition.

(3) When such prohibitory order has remained in operation for three months, the Commissioner shall report the case to the standing committee which shall thereupon consider whether the building should not be demolished. The standing committee shall give the owner not less than thirty days' notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.

(4) If upon such consideration the standing committee is of opinion that the building has not been rendered fit for human habitation and that steps are not being taken with due diligence to render it so fit and that the continuance thereof is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbourhood, it shall record a decision, to that effect with the grounds of the decision, and the Commissioner shall, in pursuance of the said decision by notice, require the owner to demolish the building.

(5) If the owner undertakes to execute forthwith the works necessary to render the building fit for human habitation and the Commissioner considers that it can be so made fit, the Commissioner may postpone the execution of the decision of the standing committee, for such time not exceeding six months, as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works

344. Abatement of crowding in dwelling house or dwelling place.—(1) If it appears to the Commissioner that any dwelling house or other building which is used as a dwelling place, or any room in any such dwelling-house, or building, is so overcrowded as to endanger the health of the inmates thereof, he may, apply to a magistrate, to abate such overcrowding; and the magistrate, after such inquiry as he thinks fit to make, may by written order, require the owner of the building or room, within a reasonable time, not exceeding four weeks, to be laid down in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper.

(2) The standing committee may declare what amount of superficial cubic space shall be deemed for the purposes of sub-section (1) to be necessary for such occupant of a building or room.

(3) If any building or room referred to in sub-section (1) has been sub-let, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every tenant, lodger, or other intimate of a building or room, to vacate on being required by the owner so to do in obedience to any requisition made under sub-section (1).

345. Power of Commissioner to use or sell materials of dangerous building taken down, etc.—(1) When the Commissioner takes down any building or part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit by virtue of his powers under this Chapter or under section 467, the Commissioner may sell the materials or things taken down or cut down or removed and shall in the case of sale apply the proceeds in or towards payment of the expenses incurred and pay any surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. If no such demand is made such surplus shall be forfeited to the corporation.

(2) If after reasonable inquiry it appears to the Commissioner that there is no owner or occupier to whom notice can be given under any section in this Chapter he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expense incurred by selling such property (not being land) or any portion thereof.

346. Limitation of compensation.—No person shall be entitled save as provided in sections 333 and 342 to compensation for any damages sustained by reason of any action taken by a municipal authority in pursuance of its powers under this Chapter.

CHAPTER XVII

LICENSES AND FEES

347. Exemptions.—(1) Nothing in this Act or in any rule or bye-law made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule or bye-law in respect of any place in the occupation or under the control of the Central Government or the State Government

or in respect of any property of the Central Government or the State Government.

(2) Save in so far as the levy of any tax or continuation of levy of any tax on any property of the Union is permissible under Article 285 of the Constitution of India, the property of the Union shall be exempted from any tax levied under this Act.

(3) Notwithstanding anything contained in this Act no licence or permission shall be necessary for the Karnataka State Road Transport Corporation in respect of the fixation or erection of posts showing places of stoppage of buses or erection or construction of passenger-shelters, ticket booths and bus stands on any road or land vested in the corporation:

Provided that no passenger-shelter, ticket booth or bus stand shall be erected or constructed under this section except with the previous sanction of the Government

(4) In respect of passenger-shelters, ticket booths and bus stands erected or constructed under this section the Karnataka State Road Transport Corporation shall be liable to pay to the corporation such annual ground rent as may be agreed between them, and where there is no such agreement, as may be determined by the Government.

348. Prohibition in respect of lodging houses.— (1) No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, keep any lodging house, eating-house, tea-shop, coffee-house, cafe, restaurant, refreshment room, or any place, where the public are admitted for repose or for the consumption of any food or drink or any place where food is sold or prepared for sale.

Explanation.—In this sub-section "lodging house" means a hotel, boarding house, choultry or rest-house other than a choultry or rest-house maintained by the Government or a local authority, or any place where casual visitors are received and provided with sleeping accommodation with or without food on payment, but does not include a students' hostel under public or recognized control.

(2) The Commissioner may at any time cancel or suspend any licence granted under sub-section (1) if he is of opinion that the premises covered thereby are not kept in conformity with the conditions of such licence or with the provisions of any bye-law made under section 428 relating to such premises whether or not the licensee is prosecuted under this Act.

349. Prohibition in respect of keeping animals and birds and feeding animals.—No person shall,— —

(a) without the permission of the Commissioner or otherwise than in conformity with the terms of such permission, keep pigs in any part of the city;

(b) keep any animal or bird on his premises so as to be a nuisance or so as to be dangerous; or

(c) feed or permit to be fed on filth any animal, which is kept for dairy purposes or may be used for food.

350. Destruction of stray pigs and dogs.—If any dogs not taxed under Section 122 or pigs are found straying, the same may be summarily destroyed by any person authorised in that behalf in writing by the Commissioner

351. Licences for places in which animals are kept.—(1) The owner or occupier of any stable, veterinary infirmary, stand, shed, yard or other place in which quadrupeds are kept or taken in for purposes of profit, shall, in the first month of every year or, in the case of a place to be newely opened, within one month before the opening of such place, apply to the Commissioner for a licence.

(2) The Commissioner may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(3) No person shall, without or otherwise than in conformity with a licence, use any place or allow any place to be used for any such purpose.

352. General powers of control over stables, cattle-sheds and cow-house.—(1) All stables, cattle-sheds and cow-houses shall be under the survey and control of the Commissioner as regards their site, construction, material and dimensions.

(2) The Commissioner may, by notice, require that any stable, cattle-shed or cow-house be altered, paved, drained, repaired, disinfected or kept in such a state as to admit of its being sufficiently cleaned or be supplied with water, or be connected with a sewer or be demolished.

(3) Every such notice shall be addressed to the owner or person having control of the stable, cattle-shed or cow-house.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the owner.

(5) If any stable, cattle-shed or cow-house is not constructed or maintained in the manner required by or under this Act, the Commissioner may, by notice, direct that the same shall no longer be used as a stable, cattle-shed or cow-house. Every such notice shall state the grounds on which it proceeds.

353. Provision of halting places, cart-stands, etc.—(1) The Commissioner may construct or provide public halting places, cart-stands, cattle-sheds and cow-houses and may charge and levy such fees for the use of the same as the standing committee may fix.

Explanation.—A cart-stand shall, for the purposes of this Act, include a stand for carriages including motor vehicles within the meaning of the Motor Vehicles Act 1939 (Central Act IV of 1939) and animals.

(2) A statement of the fees fixed by the standing committee for the use of each such place, shall be put up in Kannada and English in a conspicuous part thereof.

(3) The Commissioner may farm out the collection of such fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

354. Prohibition of use of public places or sides of public street as cart-stand, etc.—Where the Commissioner has provided a public halting place, cart-stand, cattle-shed or cow-house, he may prohibit the use for the same purpose by any person within such distance thereof as may be determined by the standing committee of any public place or the sides of any public street.

355. Recovery of cart-stand fees, etc.—(1) If the fee leviable under sub-section (1) of section 353 is not paid on demand, the person appointed to collect such fee may seize and detain such portion of the appurtenances or load of such cart, carriage, motor vehicle or animal as will, in his opinion, suffice to defray the amount due; in the absence of any such appurtenances or load or in the event of their value being insufficient to defray the amount due, he may seize and detain the cart, carriage, motor vehicle or animal.

(2) All property seized under sub-section (1) shall be sent within twenty-four hours to the Commissioner or to such person as he may have authorised to receive and sell such property and the Commissioner shall forthwith give notice to the owner of the property seized or if the owner is not known or is not resident wihin the city, to the person who was in charge of such property at the time when it was seized or if such person is not found, give public notice that after the expiry of two days, exclusive of Sunday, from the date of service or publication of such notice, the property will be sold in public auction at a place to be specified in the notice.

(3)If at any time before the sale has begun, the amount due on account of the fee, together with the expenses incurred in connection with the seizure, detention and proposed, sale is tendered to the Commissioner or other person authorised as aforesaid, the property seized shall be forthwith released.

(4) If no such tender is made, the property or a sufficient portion thereof may be sold and the proceeds of the sale applied to the payment of,—

(i) the amount due on account of the fee;

(ii) such penalty not exceeding the amount of the fee as the Commissioner may direct;

(iii) the expenses incurred in connection with the seizure, detention and sale.

(5) If, after making the payments referred to in sub-section (4) there is any surplus sale proceeds or any property remaining unsold, the same shall be paid or delivered to the owner or other person entitled thereto.

356. Licence for private cart-stand.—(1) No person shall open a new private cart-stand or continue to keep open a private cart-stand unless he obtaines from the Commissioner a license to do so.

(2) Application for such licence shall be made by the owner of the place in respect of which the licence is sought not less than thirty days before such place is opened as a cart-stand or not less than thirty days before the commencement of the year for which the licence is sought to be renewed, as the case may be;

(3) The Commissioner shall, as regards private cart-stands already lawfully established and may, at his discretion as regards new private cart-stand grant the licence applied for, subject to such regulations as to supervision and inspection and to such conditions as to conservancy as he may think proper, or he may refuse to grant any

such licence for any new private cart-stand. The Commissioner may, at any time for breach of the conditions thereof, suspend or cancel any licence which has been granted under this section. The Commissioner may also modify the conditions of the licence to take effect from a specified date.

(4) When a licence is granted, refused, suspended, cancelled or modified under this section, the Commissioner shall cause a notice of such grant, refusal, suspension, cancellation or modification, in English and Kannada, to be posted in some conspicuous place at or near the entrance to the place in respect of which the licence was sought or had been obtained.

(5) The Commissioner may levy for every licence granted under this section a fee not exceeding six hundred rupees per annum :

Provided that no fee shall be levied in respect of a licence for a cart-stand for the use of which no charge is made.

(6) Every licence granted under this section shall expire at the end of the year for which it is granted.

357. Removal of carcasses of animals.—The occupier of any premises in or on which any animal shall die or on which the carcass of any animal shall be found, and the person having the charge of any animal which dies in a street or in any open place, shall, within three hours after the death of such animal or if the death occurs at night within three hours after sunrise, either,—

(a) remove the carcass of such animal to such receptacle, depot or place as may be appointed by the Commissioner in that behalf ; or

(b) report the death of the animal to an officer of the health department of the division of the city in which the death occured, with a view to his causing the same to be removed.

(2) When any carcass is so removed by the health department, a fee for the removal of such amount as shall be fixed by the Commissioner, shall be paid by the owner of the animal or, if the owners not known by the occupier of the premises in or upon which or by the person in whose charge the animal died.

358. Purposes for which places within the limits of the city or within five kilometres hereof may not be used without licence and payment of proportionate tax to local body concerned in the latter case.—(1) No place within the limits of the city shall be used for any of the purposes mentioned in Schedule XI without a licence obtained from the Commissioner and except in accordance with the condition, specified therein.

(2) The Commissioner shall, if so required by the corporation, publish a notification in the official Gazette and in two or more local newspapers that any place at a distance within five kilometres of the limits of the city shall not be used for any one or more of the purposes mentionedo in Schedule XI without a licence obtained from the Commissioner and except in accordance with the conditions specified therein :

Provided that no such notification shall take effect—

(a) unless the sanction of the Government has been obtained therefor ; and

(b) until the expiry of thirty days from the date of its publication in the official Gazette.

(3) The owner or occupier of every place for the use of which for any purpose a licence is required under sub-section (1) or sub-section (2) shall apply to the Commissioner for such licence not less than thirty days before the place is used for such purpose or within thirty days of the publication of the notification under sub-section (2) in the official Gazette, as the case may be.

(4) Every application for a licence for the use of any place for the purpose of storing or selling explosives, timber or other combustible materials shall contain a statement showing the boundaries and measurements of such place.

(5) The Commissioner may grant such licence subject to such restrictions and conditions as may be specified by him thereon or he may refuse to grant such licence if it is likely to cause nuisance in the neighbourhood.

(6) Every such licence shall expire at the end of the year for which it is granted, or at such earlier date as the Commissioner may, for special reasons, specify in the licence.

(7) Applications for renewal of such licences shall be made not less than thirty days before the commencement of the year for which renewal is sought. The licence may be renewed subject to such conditions or restrictions as may be specified by the Commissioner or he may refuse to renew if it is likely to cause nuisance in the neighbourhood.

(8) Where a licence is granted under this section for the use of any place outside the limits of the city, the corporation shall pay to the local authority within the limits of which such place is situated, such proportion of the fee received by the corporation for the grant or renewal of such licence as the Government may, by general or special order, determine.

359. Application to be made for construction, establishment or installation of factory or workshop or work-place in which steam or other power is to be employed.—(1) Every person intending to,—

(a) construct or establish any factory, workshop or work-place in which it is proposed to employ steam-power water-power, or other mechanical power or electric power, or

(b) to install in any premises any machinery or manufacturing plant driven by steam, water, electric or other power as aforesaid,

shall before beginning such construction, establishment or installation make an application in writing to the Commissioner for permission to undertake the intended work.

(2) The application shall specify the maximum number of workers proposed to be simultaneously empoyed at any time in the factory workshop, work-place or premises and shall be accompained by,—

(a) a plan of the factory, workshop, work-place or premises prepared in such manner as may be prescribed by rules made in this behalf by the Government; and

(b) such particulars as to the power, machinery plant or premises as the corporation may require by bye-laws made in this behalf.

(3) The Commissioner shall, as soon as may be, after the receipt of the application,—

(a) grant the permission applied for either absolutely or subject to such conditions as the thinks fit to impose, or

(b) refuse permission if he is of opinion that such construction, establishment or installation is objectionable by reason of the density of the population in the neighbourhood or is likely to cause nuisance in the neighbourhood.

(4) Before granting permission under sub-section (3), the Commissioner,—

(a) shall, if more than nine workers are proposed to be simultaneously employed at any time in the factory, work-shop, work-place or premises, obtain the approval of the inspector of factories appointed under the Factories Act, 1948 (Central Act 63 of 1948), having jurisdiction over the area in the city where such factory, work-shop, work-place or premises is located as regards the plan of the

factory, work-shop, work-place or premises with reference to,—

(i) the adequacy of the provision for ventilation and light;

(ii) the sufficiency of the height and dimensions of the rooms and doors;

(iii) the suitability of the exits, to be used in case of fire;

(iv) such other matters as may be prescribed by rules made by the Government, and

(b) shall consult and have due regard to the opinion of the health officer as regards the suitability of the site of the factory, workshop, work-place or premises for the purpose specified in the application.

(5) All chimneys in connection with any such factory, workshop or work-place or any such machinery or manufacturing plant shall be of such height and dimensions as the Commissioner may determine.

(6) More than nine workers shall not be simultaneously employed at any time in any factory, workshop, work-place or premises, unless the permission granted in respect thereof under sub-section (3) authorises such employment or unless fresh permission authorising such employment has been obtained from the Commissioner. Before granting such fresh permission, the Commissioner shall obtain the approval of the inspector of factories referred to in clause (a) or sub-section (4), as regards the plan of the factory, workshop, work-place or premises with reference to the matters specified in that clause.

(7) The grant of permission under this section shall not be deemed to dispense with the necessity for compliance with the provisions of sections 304 and 305 or sections 318 and 319 as the case may be.

Explanation.—The word "worker" in sub-sections (2), (4) and (6) shall, in relation to any factory, workshop,

work-place or premises, have the same meaning as in the Factories Act, 1948 (Central Act 63 of 1948).

360. Commissioner may issue directions for abatement of nuisance caused by steam or other power.—(1) If, in any factory, workshop or work-place in which steam-power, water-power or other mechanical power or electric power is used, nuisance is, in the opinion of the Commissioner caused by the particular kind of fuel used or by the noise or vibration created, he may issue such directions as he thinks fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

(2) If there has been wilful default in carrying out such directions or if abatement is found impracticable, the Commissioner may,—

(a) prohibit the use of the particular kind of fuel; or

(b) prohibit the working of the factory, workshop or work-place;

(i) altogether until such directions have been carried out; or

(ii) between the hours of 6 p.m. and 6 a.m. or during any particular time or times between such hours.

361. Prohibition of use of steam-whistle or steam-trumpt without permission of the Commissioner.—(1) No person shall, wthout the written permission of the Commissioner, use or employ in any factory or any other place, any steam-whistle or steam-trumpet for purpose of summoning or dismissing workmen or persons employed.

(2) The Commissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using the same.

362. Power of Commissioner to require owner of factory, workshop, etc., to put up and maintain the factory, workshop, etc., in a cleanly state.—Whenever it shall appear

to the Commissioner that any factory, workshop, work-place or any building or place in which steam, water or other mechanical power or electric power is used, is not kept in a cleanly state or is not ventilated in such a manner as to render harmless as far as practicable any gas, vapour, dust or other impurity generated in the course of the work carried on therein which, in the opinion of the Commissioner, is a nuisance or is so overcrowed while work is carried on as to be dangerous or injurious in the opinion of the Commissioner, to the health of the persons employed therein, or that any engine, mill-gearing hoist or other machinery herein is so fixed or so insecurely fenced as to be dangerous to life or limb, the Commissioner may by written notice require the owner of such factory, workshop, work-place or other building or place to make such order as he thinks fit for putting and maintaining the said factory, workshop, work-place or other buildings or place in a cleanly state or for ventilating the same or for preventing the same from being overcrowed or for preventing the danger to life or limb from any engine, mill-gearing, hoist or other machinery therein.

Explanation.—Nothing in this section shall be deemed to affect any of the provisions of the Indian Boilers Act, 1923, or to authorise the Commissioner to issue any order relating to the fixing or fencing of any engine, mill-gearing hoist or other machinery in any factory to which the provisions of the Factories Act, 1948 (Central Act 63 of 1948) are applicable

363. Power of Commissioner to require owner or occupier of factory, etc., to discontinue the use of such factory.—Whenever it shall appear to the Commissioner that any factory, workshop or work-place or any building or any place in which steam, water or other mechanical or electric power is employed, is or is likely to become, by reason of the employment of such power or by noise or by any gas, vapour, smoke, vibration, dust or other impurity generated in the course of the work carried on in such

place or by any other cause, a nuisance or danger to the life, health or property of persons in the neighbourhood, he may by written notice require the owner or occupier of such factory, workshop, work-place, building or place to discontinue the use of such factory or place for any of the purposes that may be specified in such notice.

364. Commissioner may enter any factory, workshop or work-place.—(1) The Commissioner or any person authorised by him in this behalf may enter any factory, workshop or work-place,—

(a) at any time betwen sunrise and sunset,

(b) at any time when any industry is being carried on, and

(c) at any time by day or night if he has reason to believe that any offence is being committed against sections 359, 360, 361, 362 or 363.

(2) No claim shall lie against any person for any damage or incovenience necessarily caused by the exercise of powers under this section or by the use of the force necessary for the purpose of effecting an entrance under this section.

365. Power of Government to pass orders or give directions to Commissioner.—The Government may either generally or in any particular case make such order or give such directions as it deems fit in respect of any action taken o romitted to be taken under sections 359, 360, 361, 362 or 363.

366. Provision of places for bathing and for washing animals.—The corporation shall set apart places for use by the public for bathing purposes and for washing animals.

367. Provision of public bathing-houses, wash-houses etc.—(1) The Commissioner may construct or provide and maintain public bathing-houses, public wash-houses or

places for the washing of vessels, clothes, and may charge and levy such rents and fees for the use of any such bathing-house, wash-house or place as the standing committee may determine. Such rents and fees shall be recoverable in the same manner as the property tax.

(2) The Commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

(3) If a sufficient number of public wash-houses or places be not maintained under sub-section (1) the Commissioner may without making any charge therefor appoint suitable places for the exercise by washerman of their calling.

(4) In public wash-house, the clothes of persons suffering from infectious diseases and of persons residing in the premises occupied by the persons suffering from such diseases shall be washed separately in a separate block wherever set apart for the purpose and shall be washed by such methods as the Commissioner may lay down in that behalf.

368. Prohibitoin against washing by washermen at unauthorised places.—(1) The Commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, either within the city or outside the city within five kilometres of the boundary thereof, except at,—

(a) public wash houses or places maintained or provided under section 367 ; or

(b) such other places as he may appoint for the purpose.

(2) When any such prohibition has been made no person who is by calling a washerman shall, in contravention of such prohibition, wash clothes, except, for himself, or for personal and family service or for hire on and within the premises of the hirer, at any place within or without

corporation limits other than a public wash-house or place maintained or appointed under this Act:

Provided that this section shall apply only to clothes washed within or to be brought within the city.

369. Provision of corporation slaughter-houses.— (1) The corporation shall provide a sufficient number of places for use as corporation slaughter-houses and the Commissioner may charge and levy such rents and fees for their use as the standing committee may determine. Such rents and fees shall be recoverable in the sam manner as the property tax.

(2) The Commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

(3) Corporation slaughter-houses may be situated within the city limits or outside the limis of the city with the sanction of the Government.

370. Licence for slaughter-houses.—(1) The owner of any place within the limits of the city or at a distance within five kilometres of such limits which is used as a slaugher house for the slaughtering of animals or for the skinning or cutting up of carcasses shall, not less than thitry days before the commencement of the year for which the licence is sought or in the case of a place to be newly opened, not less than one month before the opening of the same, apply to the Commissioner for a licence:

Provided that this sub-section shall not be applicable to any area outside the limits of the city excect with the previous sanction of the Government.

(2) The Commissioner may by an order, and subject to such restrictions and regulations as to supervision and inspection, as he thinks fit, grant or refuse to grant such licence.

371. Slaughter of animals during festivals and ceremonies.—The Commissioner may allow any animal to be slaughtered in such place as he thinks fit on occasions of festivals and ceremonies or as a special measure.

372. Slaghter of animals for sale or food.—No person shall slaughter within the city except in a corporation or licensed slaughter-house any cattle, horse, sheep, goat or pig for sale or food or, skin or cut up any carcass without or otherwise than inconformity with a licence from the Commissioner, or dry or permit to be dried any skin such a manner as to cause a nuisance.

373. Public markets.—All markets which are acquired, constructed, repaired or maintained out of the corporation fund shall be deemed to be public markets.

374. Power of municipal authorities in respect of public markets.—(1) The corporation may provide places for use as public markets.

(2) The Commissioner may, in any public market charge and levy any one or more of the following fees at such rates as the standing committee may determine and may place the collection of such fees under the management of such persons as may appear to him proper or may farm out such fees on such terms and subject to such conditions as he may deem fit, namely :—

(a) fees for the use of, or for the right to expose goods for sale in, such markets ;

(b) fees for the use of shops, stalls, pens or stands in such markets ;

(c) fees on vehicles or pack-animals carrying or on persons bringing goods for sale in such markets ;

(d) fees on animals brought for sale into, or sold in, such markets ; and

(e) licence fees on brokers, commission agents, weighmen and measures practising their calling in such markets.

(3) Such fees shall be recoverable in the same manner as the property tax.

(4) The corporation may, with the sanction of Government, close any public market or part thereof.

375. Commissioner's control over public markets.— (1) No person shall, without the permission of the Commissioner, or if the fees have been farmed out, of the farmer, sell or expose for sale any animal or article within any public market.

(2) Any person who contravenes sub-section (1) or any condition of the licence or any regulation made under section 383 or in any bye-law made under section 428 or who commits default in payment of the fees leviable under section 374 may after three clear days' notice be summarily removed from such market by any corporation officer or servant and any lease or tenure which any person may possess may be terminated for such period and from such date as the Commissioner may determine without prejudice to the legal rights of the corporation to prosecute the person or to recover the fees leviable under section 374 and expenses, if any, which the corporation may incur in such removal.

376. Establishment of private markets.—(1) The corporation shall determine whether the establishment of new private markets for the sale of or for the purpose of exposing for sale, animals intended for human food or any article of human food shall be permitted in the city or any specified part of it.

(2) (a) No person shall establish any new private market without or otherwise than in conformity with a icence issued by the Commissioner with the sanction of the standing committee which shall be guided in giving or

refusing sanction by the resolutions of the corporation passed under sub-section (1).

(b) Applications for such license shall be made by the owner of the place in respect of which the licence is sought not less than thirty days before such place is opened as a market.

377. Licensing private markets.—(1) No person shall without or otherwise than in conformity with an annual licence granted by the Commissioner in this behalf continue to keep open a private market. Application for the renewal of the licence shall be made not less than thirty days before the commencement of the year for which licence is sought.

(2) The Commissioner may, by an order, subject to such regulations as to supervision and inspection and to such conditions as to sanitation, drainage, water-supply, width of paths and ways, weights and measures to be used and rents and fees to be charged in such markets, as he thinks fit.—

(a) grant or refuse to grant or renew such licenses, or

(b) withold the licence until the owner or occupier executes such works as may be specified in the order:

Provided that the Commissioner shall not refuse or withold such licence for any cause other than the failure of the owner or occupier thereof to comply with some provision of this Act or some regulation made under section 427 or some bye-law made under section 428 without the approval of the standing committee.

(3) The Commissioner shall cause a notice that the markets has been so licensed to be affixed in English and in Kannada language in some conspicuous place at or near the entrance to every market.

(4) The Commissioner, if a licence has been referred or withheld as aforesaid, shall cause a notice of such refusal or withholding to be affixed in English and in Kannada in

some conspicuous place at or near the entrance to the premises.

378. Period of licence.—Every licence granted under section 376 or section 377 shall expire at the end of the year for which it is granted.

379. Licence fee for private markets.—When a licence granted under section 382 permits the levy of any fee or fees of the nature specified in sub-section (2) of section 374 a fee not exceeding fifteen per cent of the gross income of the owner from the market in the preceding year shall be charged and levied by the Commissioner for such licence.

380. Sale in un-licensed private market.—It shall not be lawful for any person to sell or expose for sale any animal or article in any un-licensed private market.

381. Powers of Commissioner in respect of private markets.—The Commissioner may by notice require the owner, occupier or farmer of any private market for the sale of any animal or article of food, to—

(a) construct approaches, entrances, passages, gates, drains and cesspits for such market and provide it with privy of such description and in such position and number as the Commissioner may think fit;

(b) roof and pave the whole or any portion of it or pave any portion of the floor with such material as will in the opinion of the Commissioner secure imperviousness and ready cleaning;

(c) ventilate and light it properly and provide it with supply of water;

(d) provide passages of sufficient width between the stalls, and make such alterations in the stalls, passages, shops, doors or other parts of the market as the Commissioner may direct; and

(e) keep it in a clean and proper state and remove all filth and rubbish therefrom.

382. Suspension or refusal of licence in default.—(1) If any person, after notice given to him in that behalf by the Commissioner, fails within the period and in the manner laid down in the said notice to carry out any of the works specified in section 381 the Commissioner may, with the sanction of the standing committee, suspend the licence of the said person or may refuse to grant him a licence until such works have been completed.

(2) It shall not be lawful for any person to open or keep open any such market after such supension or refusal.

383. Power of Commissioner to make regulations for markets, bazaars, slaughter houses and places set apart for sacrifice of animals.—The Commissioner may, with the approval of the standing committee, make regulations not inconsistent with any provision of this Act, or of any bye-law made under section 428,—

(a) for preventing nuisance or obstruction in any market-building, market-place, bazaar or slaughter house, or in the approaches thereto, or in any of the roads, paths or ways in any market or bazaar;

(b) fixing the days and the hours on and during which any market, bazaar or slaughter house may be held or kept open for use;

(c) for keeping every market-building, market-place, bazaar, slaughter-house and place specified under section 376 in a clean and proper state, and for removing filth and rubbish therefrom;

(d) requiring that any market-building, market-place, bazaar, slaughter-house or place specified as aforesaid be properly ventilated and be provided with a sufficient supply of water;

(e) requiring that in market-buildings, market-places and bazaars, passages be provided between the stalls of sufficient width for the convenient use of the public; and

(f) requiring that in market-building, market-places and bazaars separate areas be set apart for different classes of articles.

384. Acquisition of rights of private persons to hold power to expel disturbers.—The person in charge of a market shall prevent the entry therein of, and shall expel therefrom, any person suffering from leprosy in whom the process of ulceration has commenced or from any infectious or contagious disease who sells or exposes for sale therein any article or who, not having purchased the same, handles any articles exposed for sale therein; and he may expel therefrom any person who is creating a disturbance therein.

385. Duty of expelling lepers, etc., from markets and private markets.—(1) The corporation may acquire the rights of any person to hold a private market in any place and to levy fees therein. The acquisition shall be made under the Land Acquisition Act, 1894, and such rights shall be deemed to be land for the purposes of that Act.

(2) On payment by the corporation of the compensation awarded under the said Act in respect of such property and any other charges incurred in acquiring it, the rights of such person to hold such market and to levy fees therein shall vest in the corporation.

386. Butcher's, fishmonger's and poulterer's licence.—(1) No person shall without or otherwise than in conformity with a licence from the Commissioner carry on the trade of a butcher, fishermonger or poulterer or use any place for the sale of fresh fish or poultry intended for human food—

(a) in any place within the limits of the city;

(b) in any place within five kilometres of such limits and not included in any municipality constituted under the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964):

Provided that no licence shall be required for a place used for the selling or storing for sale of presented flesh or fish contained in air-tight and hermitically sealed receptacles.

(2) The Commissioner may by order and subject to such restrictions as to supervision and inspection as he thinks fit grant or refuse to grant such licence.

(3) Every such licence shall expire at the end of the year for which it is granted or at such earlier date as the Commissioner may, for special reasons, specify in the licence.

387. Power to prohibit or regulate sale of animals, birds or articles in public streets.—The Commissioner may, with the sanction of the standing committee, prohibit by public notice or licence or regulate the sale or exposure for sale of any animal, bird or article in or on any public street or part thereof.

388. Decision of disputes as to whether places are markets.—If any question arises whether any place where persons assemble for the sale or purchase of articles of food or clothing, of live-stock or poultry, of cotton, groundnut or other industrial crops or of any other raw or manufactured products, is a market or not, the Commissioner shall make a reference to the Government and the decision of the Government on the question shall be final.

389. Duty of Commissioner to inspect.—It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poulty, game, fresh fish, vegetables, corn, bread, floor, milk, ghee, butter, oil and any other articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale.

390. Power of Commissioner for purposes of inspection.—(1) The Commissioner or any person authorised by him in writing for the purpose may without notice enter any slaughter-house or any place where animals, poultry or fish intended for food are exposed for sale or where articles of food are being manufactured or exposed for sale at any time by day or night, when the slaughter, exposure for sale

or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

(2) If the Commissioner or any person so authorised by him has reason to believe that in any place any animal intended for human food is being slaughtered or any carcass is being skinned or cut up or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale or sold without, or otherwise than in conformity with a licence, he may enter any such place without notice, at any time by day or night for the purpose of satisfying himself whether any provision of this Act, bye-laws, or regulations or any condition of a licence is being contravened.

(3) No claim shall lie against the Commissioner or any person acting under his authority or the corporation for any damage or inconvenience caused by the exercise of powers under this section or by the use of any force necessary for effecting entry into any place under this section.

(4) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any animals, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed or cleansed for sale, or were not intended for human food, the burden of proof shall lie on the party so alleging.

391. Preventing inspection by Commissioner.—No person shall in any manner whatsoever obstruct the Commissioner or person duly authorised by him in the exercise of his powers under the preceding section.

392. Power of Commissioner to seize diseased animal, noxious food, etc.—If it appears to the Commissioner or a person duly authorised by him—

(a) that any animal, poultry or fish intended for food is diseased ; or

(b) that any article of food is noxious ; or

(c) that any utensil or vessel used in manufacturing, preparing or containing any article of food is of such kind or in such state as to render the articles noxious,

he may seize or carry away or secure such animal, poultry, fish, article, utensil or vessel in order that the same may be dealt with as hereinafter provided.

Explanation.—For purposes of this section meat subjected to the process of blowing shall be deemed to be noxious.

393. Removing or interfering with articles seized.—No person shall remove or in any way interfere with anything secured under the preceding section.

394. Power to destroy articles seized.—(1) When any animal, poultry, fish or other article of food (or any utensil or vessel) is seized under section 392, it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed, and if the article is perishable, without such consent.

(2) Any expenses incurred in destroying anything under sub-section (1), shall be paid by the owner or person in whose possession such thing was at the time of the seizure.

395. Production of articles, etc., seized before magistrate and powers of magistrate to deal with them.—(1) Articles of food, animals, poultry, fish, utensils or vessels seized under section 392 and not destroyed under section 394 shall as soon as possible, be produced before a magistrate.

(2) Whether or not complaint is laid before the magistrate of any offence under the Indian Penal Code (Central Act 45 of 1860) or under this Act, if it appears to the magistrate on taking such evidence as he thinks necessary that any such animal, poultry, or fish is diseased, or any such article is noxious or any such utensil or vessel is of such kind or in such state as is described in section 397, he may order the same,

(a) to be forfeited to the corporation;

(b) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure, in such manner as to prevent the same being again exposed or hawked about for sale, or used for human food or for the manufacture or preparation of, or for containing any such article as aforesaid.

396. Registration or closing of ownerless places for disposal of dead.—If it appears to the Commissioner that there is no owner or person having the control of any place used for burying, burning, or otherwise disposing of the dead, he shall assume such control and register such place or may, with the sanction of the corporation, close it.

397. Licensing of places for disposal of dead.—(1) No new place for the disposal of the dead whether public or private, shall be opened, formed, constructed or used unless a licence has been obtained from the Commissioner on application.

(2) Such application for a licence shall be accompanied by a plan of the place to be registered showing the locality, boundaries and extent thereof, the name of the owner or person or community interested therein, the system of management and such further particulars as the Commissioner may require.

(3) The Commissioner may, with the sanction of the corporation—

(a) grant or refuse a licence; or

(b) postpone the grant of a licence until his objections to the site have been removed or the particulars called for by him have been furnished.

398. Provision of places by the corporation for burial and burning grounds and crematoria.—(1) The corporation may, and shall if no sufficient provision exists, provide places to be used as burial or burning grounds or crematoria, either within, or with the sanction of the Government

outside the limits of the city, and may charge and levy rents and fees for the use thereof:

Provided that the corporation shall itself undertake the cremation of unclaimed dead bodies free of charge.

(2) If the corporation provides any such place without the limits of the corporation all the provisions of this Act and all bye-laws framed under this Act for the management of such places within the corporation shall apply to such place and all offences against such provisions or bye-laws shall be cognizable by a magistrate as if such places were within the corporation limits.

399. Register of registered, licensed and provided places and prohibition of use of other places.—(1) A book shall be kept at the corporation office in which the places registered, licensed or provided under section 396, section 397 or section 398 and all such places registered, licenced or provided before the commencement of this Act, shall be recorded, and the plans of such places shall be filed in such office.

(2) Notice that such place has been registered, licensed or provided as aforesaid shall be affixed in English and in Kannada to some conspicuous place at or near the entrance to the burial or burning ground or other places aforesaid.

(3) The Commissioner shall annually publish a list of all places registered, licensed or provided as aforesaid or provided by the Government.

(4) No person shall bury, burn or otherwise dispose of any corpse except in a place which has been registered, licensed or provided as aforesaid.

(5) Where a magistrate on a complaint preferred by the Commissioner or otherwise is satisfied that a corpse has been buried in a place which has not been registered, licensed or provided as aforesaid, he may direct the exhumation of the corpse and its burial in an authorised pla

400. Report of burial and burnings.—The person having control of a place for disposing of the dead shall give information of every burial, burning or other disposal of a corpse at such place to the officer, if any, appointed by the Commissioner in that behalf.

401. Prohibition against making of vault or grave in any place of public worship.—No person shall make a vault or grave, or cause any corpse to be burried within the walls or underneath any place of public worship :

Provided that the Commissioner may, subject to the general or special orders of the Government, authorise the making of a vault or grave within the precincts of or underneath any place of public worship and the burial of priests or religious ministers in such vault or grave, or in an existing vault or grave.

402. Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.—(1) If the Commissioner is of opinion—

(a) that any registered or licensed place for the disposal of the dead or any place provided for such disposal by the corporation or by the Government is in such a state or situation as to be or to be likely to become dangerous to health of persons living in the neighbourhood thereof ; or

(b) that any burial ground is overcrowded with graves, and if in the case of a public burial or burning ground or other place as aforesaid another convenient place duly authorised for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place,

he may with the consent of the corporation and the previous sanction of the Government, give notice that it shall not be lawful after a period to be named in such notice, to bury, burn or otherwise dispose of any corpse at such place.

(2) Every notice given under sub-section (1) shall be affixed to some part of such place.

(3) After the expiry of the period named in such notice it shall not be lawful to bury, burn or otherwise dispose of a corpse at such place except with the permission of the Commissioner.

403. Prohibition in respect of corpse.—No person shall—

(a) bury or cause to be buried any corpse or part thereof in a grave whether dug or constructed of masonary or otherwise in such manner that the surface of the coffin or the surface of the body where no coffin is used, is at a less depth than eight metres from the surface of the ground; or

(b) build or dig or cause to be built or dug any grave in any burial ground at a less distance than four metres from the margin of any other existing grave; or

(c) without the sanction in writing, of the Commissioner, or an order in writing of a magistrate reopen a grave already occupied; or

(d) convey or cause to be conveyed a corpse or part thereof to any burial or burning ground and not cause the burial or burning of the same to commence within six hours after its arrival at such place; or

(e) when burning or causing to be burnt a corpse or part thereof, permit the same or any part thereof or its clothing to remain without being completely reduced to ashes; or

(f) carry through any street a corpse or part thereof not decently covered; or

(g) while carrying a corpse or part thereof within the city leave the same in or near any street for any purpose whatever; or

(h) remove, otherwise than in a closed receptacle, any corpse or part thereof, kept or used for the purpose of dissection.

404. Fencing, etc., of private burial ground.—The owner of, or other person having control over, any private

burial ground shall fence and maintain the same properly to the satisfaction of the Commissioner.

405. Grave digger's licence.—No person shall discharge the office of a grave digger or other attendant at a public place for the disposal of the dead (other than a place provided by the Government) unless he has been licensed in that behalf by the Commissioner.

CHAPTER XVIII

PREVENTION OF DISEASES

Dangerous Diseases

406. Power to notify dangerous diseases.—The Government may, by notification, declare any epidemic, endemic or infectious disease other than a disease specified in clause (8) of section 2 to be a " dangerous disease ", for the purpose of this Act.

407. Obligation of medical practitioner to report dangerous disease.—If any medical practitioner becomes cognizant of the existence of any dangerous disease in any private or public dwelling in the city, he shall inform the Commissioner, the health officer or the sanitary inspector of the division, with the least practicable delay.

(2) The information shall be communicated in such form and with such details as the Commissioner may require.

(3) The Commissioner may direct the compulsory notification by the owner or occupier of every house within the corporation limits, during such period and to such officer as the Commissioner may specify, of all deaths from or occurrences dangerous disease in his house.

Explanation.—For purposes of sub-sections (1) and (2) a hakim or a vaidya shall be deemed to be a medical practitioner.

408. Power of entry into suspected places.—The Commissioner or health officer may, at any time by day or by night without notice, or after giving such notice as may appear to him reasonable, inspect any place in which any dangerous disease is reported or suspected to exist and except in cases where he is satisfied that adequate arrangements have been made or exist for the proper care and treatment of the person who is suffering or is suspected to suffering from any dangerous disease, remove or cause to be removed such person to any Government or corporation medical institution intended for the treatment of patients suffering from such disease, and take such other measures as he may think fit to prevent the spread of such disease.

409. Provision of conveyance for carriage of patients.—The Commissioner may provide and maintain suitable conveyance for the carriage of persons suffering from any dangerous disease.

410. Powers to order removal of patients to hospitals.—(1) If, in the case of any person in a hospital, it appears to the officer in charge of it that such person is suffering from a dangerous disease or if, in the case of any other person, it appears to the health officer or assistant health officer that such person is suffering from a dangerous disease, and;

(a) is without proper lodging or accommodation; or,

(b) is lodged in a place occupied by more than one family; or

(c) is without medical supervision directed to prevent the spread of the disease,

and if such officer in charge, health-officer or assistant health-officer, as the case may be, considers that such person should be removed to a hospital or other place at which patients suffering from such disease are received for medical treatment, he may remove such person or cause him to be removed to the said hospital or place:

Provided that, if any such person is a female she shall not be removed to any such hospital or place unless the

same has accommodation of a suitable kind set apart from the portions assigned to males.

(2) Whoever obstructs the removal of a person under this section shall be deemed to have committed an offence punishable under section 269 of the Indian Penal Code, 1860.

411. Disinfection of buildings and articles.—(1) If the Commissioner or health officer is of opinion that the cleansing or disinfecting of a building or of any part thereof, or of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any dangerous disease, he may by notice, require the owner or occupier to cleanse or disinfect the same, in the manner and within the time specified in such notice.

(2) The owner or occupier shall within the time specified as aforesaid comply with the terms of the notice.

(3) If the Commissioner or health officer considers that immediate action is necessary, or that the owner or occupier, is, by reason of poverty or otherwise, unable effectually to comply with his requisition, the Commissioner or health officer may himself without notice cause such buildings, or article to be cleansed or disinfected, and for this purpose may cause such article to be removed from the building or premises; and the expenses, incurred by the Commissioner or health officer shall be recoverable from the said owner or occupier.

412. Destruction of huts and sheds when necessary.—(1) If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation shall be paid by the Commissioner to any person who sustains substantial loss by the destruction or any such hut or shed; but except as so allowed

by the Commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by the section.

413. Provision of places for disinfection and power to destroy infected articles.—(1) The Commissioner may,—

(a) provide proper places with all necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding, or other articles which have been exposed to infection from any dangerous disease; and

(b) cause conveyances, clothing, bedding or other articles brought for disinfection to be disinfected free of charge, or subject to such charges, as may be approved by the standing committee.

(2) The Commissioner shall notify places at which conveyance, clothing, bedding or other articles which have been exposed to infection from any dangerous disease shall be washed and disinfected and no person shall wash or disinfect any such article at any place not so notified.

(3) The Commissioner may direct any clothing, bedding or other article likely to retain infection from any dangerous disease to be disinfected or destroyed.

414. Prohibtion against transfer of infected articles.—No person shall, without previously disinfecting it give, lend, let, hire, sell, transmit or otherwise dispose of, any article which he knows or has reason to know has been exposed to infection from any dangerous disease:

Provided that nothing in this section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

415. Prohibtion against infected person carrying on occupation.—If any person knows or has been certified by the health officer or a registered medical practitioner in the service of the Government or the corporation that he is suffering from a dangerous disease he shall not engage in any occupation or carry on trade or business unless he can do so without risk of spreading the disease.

416. Prohibition against diseased person entering public conveyance.—(1) No person who is suffering from any dangerous disease shall enter a public conveyance without previously notifying to the owner or driver or person in charge of such conveyance that he is so suffering.

(2) No owner or driver or person in charge of a public conveyance shall be bound to convey any person suffering as aforesaid, unless and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance.

(3) A court convicting any person of contravening sub-section (1) may, levy in addition to the penalty for the offence provided in this Act, such amount as the court deems sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting the conveyance. The amount so imposed shall be awarded by the court to the owner or driver of the conveyance:

Provided that in a case which is subject to appeal, such amount shall not be paid to the owner or driver before the period allowed for presenting the appeal has elapsed or if an appeal is presented, before the decision of the appeal.

(4) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the court shall take into account any sum which the plaintiff shall have received under this section.

417. Disinfection of public conveyance after carriage of patients.—(1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease has been carried, shall forthwith disinfect the conveyance or cause it to be disinfected.

(2) No such conveyance shall be used until the health officer or some person authorised by him in this behalf has granted a certificate stating that it may be used without causing risk or infection.

418. Letting of infected building.—(1) No person shall let or sub-let or for that purpose allow any person to enter a building or any part of a building in which he knows

or has reason to know that a person has been suffering from a dangerous disease until the health officer has granted a certificate that such building may be re-occupied.

(2) For the purpose of sub-section (1), the keeper of a hotel or lodging house shall be deemed to let the same or part of the same to any person accommodated therein.

419. Power to order closure of places of public entertainment.—In the event of the prevalence of any dangerous disease within the city, the Commissioner may, with the sanction of the standing committee, by notice require the owner or occupier of any building, booth or tent used for purposes of public entertainment to close the same for such period as may be fixed by the standing committee.

420. Minor suffering from dangerous disease not to attend school.—No person being the parent or having the care or charge of a minor who is or has been suffering from a dangerous disease or has been exposed to infection therefrom shall, after a notice from the health officer that the minor is not to be sent to school or college, permit such minor to attend school or college without having procured from the health officer a certificate (which shall be granted free of charge on application) that in his opinion such minor may attend without undue risk of communicating such disease to others.

421. Provision as to library books.—(1) No person who is suffering from an infectious disease shall take any book or use or cause any book to be taken for his use from or in any public or circulating library.

(2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from an infectious disease.

(3) A person shall not return to any public or circulating library any book which he knows to have been exposed to infection from any infectious disease, or permit any such book which is under his control to be so returned, but shall give notice to the Commissioner that the book has been so

exposed to infection and the Commissioner shall cause the book to be disinfected and returned to the library, or to be destroyed.

(4) The Commissioner shall pay to the proprietor of the concerned library the value of any book destroyed.

Explanation.—For the purposes of this section the Commissioner shall from time to time notify what diseases are to be deemed infectious.

422. Power * * * to prohibit use of water likely to spread infection.—If the health officer certifies that the water in any well, tank or other place within the limits of the city is likely, if used for drinking to endanger or cause the spread of any dangerous disease, the Commissioner may, by public notice, prohibit the removal or use of such water for drinking and domestic purposes during a specified period.

423. Compulsory vaccination.—The corporation shall enforce vaccination throughout the city in such manner as may be prescribed and it may enforce vaccination throughout the city or in any part thereof, in respect of such person, to such extent and in such manner as may be prescribed.

424. Obligation to give information of small-pox.—Where an inmate of any dwelling place within the city is suffering from small-pox, the head of the family to which the inmate belong and, on his default, the occupier or person in charge of such place, shall inform the Commissioner, the health officer or the sanitary inspector of the division with the least practicable delay.

425. Prohibition of inoculation for small-pox.—(1) Inoculation for small-pox is prohibited.

(2) No person who has undergone the operation of inoculation shall enter the city before the lapse of forty days from the date of inoculation without a certificate from a medical practitioner of such class as the Commissioner may authorise stating that such person is no longer likely to produce small-pox by contact or near approach.

CHAPTER XIX

RULES, REGULATIONS AND BYE-LAWS

Rules

426. Power of Government to make rules.—(1) The Government may, after previous publication, by notification make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(a) provide for all matters expressly required or allowed by this Act to be prescribed;

(b) regulate or prohibit the moving of any resolution or the making of any motions on or the discussion of any matter unconnected with the municipal administration;

(c) prescribe the accounts to be kept by the corporation, the manner in which such accounts shall be audited and published and the conditions under which the ratepayers may appear before auditors, inspect books and vouchers and take exception to items entered therein or omitted therefrom;

(d) prescribe the forms of all registers, reports and returns, the manner in which such registers shall be maintained, the dates on which the reports and returns shall be made and the officers to whom they shall be sent, as also of warrants and notices of sale;

(e) regulate the sharing between local authorities of the proceeds of the profession tax, tax on carriages and animals, tax on carts and other tax or income levied or obtained under this or any other Act;

(f) prescribe the powers of auditors, inspecting and superintending officers authorised to hold inquiries to summon and examine witnesses, and to compel the production of documents and all other matters connected with audit, inspection and superintendence.

(3) The Government may, by notification, and after previous publication make rules altering, adding to, or cancelling any of Schedules to this Act except Schedules XII and XIII.

(4) All references made in this Act to any of the aforesaid-Schedules shall be construed as referring to such Schedules as for the time being amended in exercise of the powers conferred by sub-section (3).

(5) In making any rule, the Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

(6) Every rule made under this section or any other provisions of this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sucessive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date on which the modification or annulment is notified by the Government in the official Gazettee have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

427. Power to make regulations.—The corporation may with the previous approval of the Government by notification make regulations not inconsistent with the provisions of this Act and the rules made thereunder in respect of matters which are required to be provided for by regulations by this Act.

428. Power to make bye-laws.—Subject to the provisions of this Act, the rules and regulations the corporation may make bye-laws,—

(1) for all matters expressly required or allowed by this Act to be provided for by bye-laws;

(2) for the due performance by all corporation officers and servants of the duties assigned to them;

(3) for the regulation of the time and mode of collecting the taxes and duties under this Act;

(4) for determining the conditions under which lands shall be deemed to be appurtenant to building;

(5) (a) for the use of public tanks, wells, conduits and other places or works for watersupply;

(b) for the regulation of public bathing, washing and the like;

(6) for the cleansing of privies, earth-closets, ash-pits and cess-pools, and the keeping of privies supplied with sufficient water for flushing;

(7) (a) for the laying out of streets, for determining the information and plans to be submitted with applications for permission to lay out streets; and for regulating the level and width of public streets and the height of buildings abutting thereon;

(b) for the regulation of the use of public streets, and the closing thereof or parts thereof;

(c) for the protection of avenues, trees, grass and other appurtenances of public streets and other places;

(8) for the regulation of the use of parks, gardens and other public or corporation places;

(9) (a) for the regulation of building;

(b) for determining the information and plans to be submitted with applications to build;

(c) for the licensing of plumbers, surveyors, architects, engineers and structural designers and for the compulsory employment of licensed architects, plumbers and surveyors;

(10) for the regulation and licensing of hotels, lodging houses, boarding houses, choultries, rest houses, restaurants, eating houses, cafes, refreshment rooms, coffee

houses and any premises to which the public are admitted for repose or for consumption of any food or drink or any place where any food or drink is exposed for sale ;

(11) for regulating the mode of constructing stables, cattle-sheds and cow-houses and connecting them with corporation drains ;

(12) for the control and supervision of public and private cart-stands, for the regulation of their use and for the levy of fees therein ;

(13) for the sanitary control and supervision of factories and places used for any of the purposes specified in Schedule XI and of any trade or manufacture carried on therein ;

(14) (a) for the control and supervision of slaughter houses and of places used for skinning and cutting up of carcasses ;

(b) for the control and supervision of the methods of slaughtering ;

(c) for the control and supervision of butchers carrying on business in the city or at any slaughter-house outside the city provided or licensed by the corporation ;

(15) for the inspection of milch-cattle and the regulation of the ventilation, lighting, cleaning, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairyman or milk-seller ;

(16) for enforcing the cleanliness of milk-stores and milk-shops and vessels and utensils used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product and for enforcing the cleanliness of persons employed in the milk trade ;

(17) for requiring notice to be given whenever any milch-animal is affected with any contagious disease and prescribing the precautions to be taken in order to protect milch-cattle and milk, against infection and contamination ;

(18) (a) for the inspection of public and private markets and shops and other places therein;

(b) for the regulation of their use and the control of their sanitary condition; and

(c) for licensing and controlling brokers, commission agents and weighmen and measurers practising their calling in markets;

* * * * * *

(19) for the prevention ot the sale or exposure for the sale, of unwholesome meat, fish or provisions and securing the efficient inspection and sanitary regulation of shops in which articles intended for human food are kept or sold;

(20) (a) for the regulation of burial and burning and other places for the disposal of corpses;

(b) for the levy of fees for the use of such burial and burning grounds and crematoria as are maintained by the corporation;

(c) for the verification of deaths and the cause of death;

(d) for the period for which corpses must be kept for the inspection;

(e) for the period within which corpses must be conveyed to a burial or burning ground, and the mode of conveyance of corpses through public places;

(21) for the prevention of dangerous diseases of men or animals;

(22) for the enforcement of compulsory vaccination;

(23) for the prevention of out-breaks of fire;

(24) for the prohibition and regulation of advertisements;

(25) for the maintainance and protection of lighting system;

(26) for fixing octroi limits and stations ;

(27) (a) for the exhibition of tables of octroi, for requiring a licence to be obtained for the sale of any article liable to octroi and prescribing the conditions on or subject to which such licence may be granted, refused, suspended or withdrawn ;

(b) for regulating the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods are again exported and the custody or storage of animals or goods declared not to be intended for use, consumption or sale within the city ; and

(c) for prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made ;

(28) for stopping abating or controlling any excessive noise whether within or outside a building which may amount to a nuisance ;

(29) in general, for securing cleanliness, safety and order and the good government and well being of the city and for carrying out all the purposes of this Act.

429. Power to give retrospective effect to certain bye-laws and penalties for breaches of bye-laws.—(1) Bye-laws with regard to the drainage of, and supply of water to, buldings and water-closets, earth-closets, privies, ash-pits and cess-pools in connection with buildings and the keeping of water closets supplied with sufficient water for flushing, may be made so as to affect buildings erected before the making of bye-laws under this Act.

(2) In making any bye-law under sections 428 and this section the corporation may provide that a breach thereof shall be punishable—

(a) with fine which may extend to fifty rupees, and in case of a continuing breach, with fine which may extend

to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the Commissioner to discontinue such breach.

430. Sanction of bye-laws by Government.—No bye-law made by the corporation under this Act shall have any validity unless and until it is sanctioned by the Government:

Provided that if the sanction is not accorded within three months the bye-laws shall be deemed to have been sanctioned.

431. Condition precedent to making of bye-laws.—The power to make bye-laws under this Act is subject to the conditions—

(a) that a draft of the proposed bye-law is published in the official Gazette and in the local newspapers;

(b) that the draft shall not be further proceeded with until after the expiration of a period of thirty days from the publication thereof in the official Gazette or of such longer period as the corporation may appoint;

(c) that for at least thirty days, during such period a printed copy of the draft shall be kept at the corporation office for public inspection and all persons permitted to peruse the same at any reasonable time free of charge; and

(d) that printed copies of the draft shall be sold to any person requiring them on payment of such price, as the Commissioner may fix.

432. Power of Government to make rules in lieu of bye-laws.—(1) If, in respect of any of the matters specified in section 428, the corporation has failed to make any bye-laws or if the bye-laws made by it are not, in the opinion of the Government adequate, the Government may make rules providing for such matters to such extent as it may think fit.

(2) Rules made under this section, may add to, alter, or cancel any bye-law made by the corporation.

(3) If any provision of a bye-law made by the corporation is repugnant to any provision of a rule made under this section, the rule shall prevail and the bye-law shall, to the extent of the repugnancy, be void.

(4) The provisions of sections 429, 431, of the second sentence of sub-section (1) of section 433 and of section 435 shall apply to the rules made under this section as they apply to the bye-laws made under section 428.

(5) Before making any rule under this section the Government shall give the corporation an opportunity of showing cause against the making thereof.

433. Publication of rules and bye-laws.—(1) When any rule or bye-law has been made under this Act, such rule or bye-law shall be published in the official Gazette in English and in Kannada. A bye-law shall come into operation three months after it has been published as aforesaid.

(2) The Commissioner shall cause all rules and bye-laws in force to be printed in the said languages, and shall cause printed copies thereof to be sold to any applicant on payment of a fixed price.

(3) The Commissioner shall, advertise in the local newspapers that copies of rules and bye-laws are for sale and specify the place where and the person from whom and the price at which, they are obtainable.

(4) The Commissioner shall publish lists of offences and fines under this Act and the rules and bye-laws made under it, and shall cause printed copies thereof to be sold to any applicant on payment of fixed price.

434. Publication of regulations.—Regulations made under this Act shall be published in such manner as the corporation may determine.

435. Exhibition of rules, bye-laws and regulations.—(1) Printed copies of bye-laws under sub-clauses (a), (b) and (c) of clause (7) and clause 8 of section 428 shall be affixed at the entrances to or elsewhere in the street, park, or other place affected thereby in such conspicuous manner as the Commissioner may deem best calculated to give information to the person using such place.

(2) Printed copies of other bye-laws and of the rules and regulations shall be hung up in some conspicuous part of the corporation office. The Commissioner shall also keep affixed in a like manner in places of public resort, markets, slaughter-houses and other places affected thereby copies of such portions of the rules, bye-laws and regulations as may relate to these places.

(3) No corporation officer or servant shall prevent any person from inspecting at any reasonable time copies so exhibited.

(4) No person shall, without lawful authority, destroy, pull-down, injure or deface any copies exhibited as above or any board to which the copies have been affixed

CHAPTER XX

PENALTIES

436. General provision regarding penalties specified in the schedules.—(1) Whoever—

(a) contravenes any provisions of any of the sections of this Act or rules made under it, specified in the first column of Schedule XII;

(b) contravenes any rule or order made under any of the said sections or rules; or

(c) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the said sections of rules,

shall, on conviction, be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said Schedule.

(2) Whoever after having been convicted of—

(a) contravening any provision of any of the sections or rules of this Act specified in the first column of Schedule XIII; or

(b) contravening any rule or order made under any of the sections or rules; or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said sections or rules, continues to contravene the said provision or to neglect to comply with the said direction or requisition, as the case may be,

shall, on conviction, be punished for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said Schedule.

Explanation.—The entries in the second column of Schedule XIII headed "subject" are not intended as definitions of the offences described in the sections, sub-sections, clauses or rules mentioned in the first column or even as abstracts of those sections, sub-sections, clauses or rules, but are inserted merely as reference to the subject of the sections, sub-sections, clauses or rules, as the case may be.

437. Penalties for voting as councillor, acting as Mayor, Deputy Mayor when not entitled and for failure to hand over documents.—(1) If a councillor votes in contravention of section 81 of if any person acts as a councillor knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office, he shall on conviction, be punished with fine not exceeding two hundred rupees for every such offence.

(2) If any person acts as or exercises the functions of the Mayor or Deputy Mayor knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office or to exercise such functions he shall, on conviction be punished with fine not exceeding one thousand rupees for every such offence.

(3) If the Mayor or Deputy Mayor fails to hand over any documents of, or any money or other properties vested in or belonging to, the corporation, which are in or have come into, his possession or control, to his successor in office or other prescribed authority, in every case as soon as his term of office as Mayor or Deputy Mayor expires and in the case of the Deputy Mayor also on demand by the Mayor, such Mayor or Deputy Mayor shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.

438. Penalty for acquisition by any councillor, the Commissioner or any corporation officer of interest in contract or work.—If any councillor, the Commissioner or any corporation officer or servant knowingly acquires, directly or indirectly by himself or in the name of any member of his family or by a partner or employee or servant any personal share or interest in any contract or employment with, by, or on behalf of the corporation, he shall be deemed to have committed the offence punishable under section 168 of the Indian Penal Code 1860 :

Provided that no person shall, by reason of being a shareholder in or member of a company be held to be interested in any contract between such company and the corporation unless he is a director of such company.

439. Penalty for omission to take out licence for vehicle or animal.—(1) Every owner or person in charge of any vehicle or animal liable to tax under section 122 who fails to obtain, within fifteen days of the service of a bill on him, a licence under section 126 shall, on conviction be

punished with fine not exceeding fifty rupees and shall also pay the amount of the tax payable by him in respect of such vehicle or animal.

(2) On payment of such fine and tax and of such costs as may be awarded, such owner or person shall receive a licence for the vehicle or animal in respect of which he has been fined and for the period during which he has been found to be in default.

(3) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum under section 124 fails to pay such sum and the amount due for a licence shall in such case be taken as the amount so compounded for.

440. **Penalty for wilfully preventing distraint.**—Any person who wilfully prevents distraint or sufficient distraint of property subject to distraint for any tax due from him, shall, on conviction, by a magistrate be liable to a fine not exceeding twice the amount of the tax, found to be due.

441. **Penalty for unlawful building.**—(a) If the construction or reconstruction of any building or well—

(i) is commenced without the permission of the Commissioner, or

(ii) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(iii) is carried on or completed in contravention of any lawful order or breach of any provision of this Act or any rule or bye-law made under it, or of any direction or requisition lawfully given or made, or

(b) if any alterations or additions required by any notice issued under section 313 or section 325 are not duly made, or

(c) if any person to whom a direction is given by the Commissioner to alter or demolish a building or well under section 326 fails to obey such direction,

the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a well or hut to fifty rupees and in the case of any other building to five hundred rupees, and to a further fine which may extend in the case of a well or hut to ten rupees and in the case of any other building to one hundred rupees for each day during which the offence is proved to have continued after the first day.

442. Notice to certain class of officers and servants of the corporation before discharge.—(1) In the absence of a written contract to the contrary, every officer or servant of the corporation whose functions concern the public health and safety shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

(2) Should any such officer or servant employed by the corporation in the absence of a written contract authorising him so to do, and without reasonable cause, resigns his employment or absents himself from his duties without giving one month's notice to the corporation or neglects or refuses to perform his duties or any of them, he shall be liable, on conviction, to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

443. Wrongful restraint or Commissioner and his delegates.—Every person who prevents the Commissioner or any person to whom the Commissioner has lawfully delegated his power from exercising his power of entering on any land or into any building shall be deemed to have committed an offence under section 341 of the Indian Penal Code.

444. Penalty for not giving information or giving false information.—If any person who is required by the provisions of this Act or by any notice or other proceedings issued under this Act to furnish any information—

(a) omits to furnish it, or

(b) knowingly or negligently furnishes false information.

such person shall, on conviction, be punished with fine not exceeding one hundred rupees.

445. Penalty for disobeying requisition under section 154 and Schedule X.—Any person who wilfully neglects or refuses to comply with any requisition lawfully made upon him under section 154 and Schedule X shall be punished with fine which may extend to one hundred rupees:

Provided that no proceedings under this section shall be instituted except with the written sanction of the Commissioner :

Provided further that before giving such sanction the Commissioner shall call upon the person against whom the proceedings are to be instituted to show cause why the sanction should not be given.

446. Penalty for unauthorised use of corporation property.—Whoever dishonestly misappropriates or converts to his own use any corporation property or puts into improper or unauthorised use such property shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

447. Penalty for leaving vehicle or animal in dangerous position in public street.—(1) No person in charge of a vehicle or animal shall cause or allow the vehicle or animal to remain at rest on any public street or public place in such a position or in such a condition or in such

circumstances as to cause or is likely to cause danger, obstruction or undue in convenience or nuisance to other users of the public street and no person in charge of a vehicle or animal shall allow any vehicle or animal to stand in a public street or public place unless it is under adequate control.

(2) Whoever contravenes sub-section (1) shall on conviction be punished with fine which may extend to one hundred rupees.

CHAPTER XXI

PROCEDURE AND MISCELLANEOUS

448. General provisions regarding licences, registrations and permissions.—(1) Every licence or permission granted under this Act or any rule or bye-law made under it shall specify the period, if any, for which and the restrictions, limitatnons and conditions subject to which the same is granted and shall be signed by the Commissioner.

(2) (a) Save as otherwise expressely provided in or may be prescribed under this Act for every such licence or permission fees shall be paid in advance on such units and at such rates as may be fixed by the corporation :

Provided that not more than one fee shall be levied in respect of any purpose specified in more heads than one of Schedule XI if such heads form part of a continuous process of manufacture and the fee so charged shall not exceed the highest fee chargeable in respect of any one of the said purposes.

(b) The corporation may compound for any period not exceeding three years at a time with the owner of any mill or factory for a certain sum, to be paid in lieu of the fees payable in respect of such mill or factory.

(c) Every order of the Commissioner or other municipal authority granting or refusing a licence or permission shall be published on the notice board of the corporation.

(3) Every order of the Commissioner or other municipal authority refusing, suspending, cancelling or modifying a licence or permission shall be in writing and shall state the grounds on which it proceeds.

(4) Subject to the special provisions in Chapters XV and XVII regarding buildings and private markets and subject to such sanction as may be required for the refusal of a licence or permission, any licence or permission granted under this Act or any rule or bye-law made under it, may at any time be suspended or revoked by the Commissioner, if any of its restrictions or conditions is evaded or infringed by the grantee or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule, by-law or regulation made under it, in any matter to which such licence or permission relates, or if the grantee has obtained the same by misrepresentation or fraud.

(5) It shall be the duty of the Commissioner to inspect places in respect of which a licence or permission is required by or under this Act, and he may enter any such place between sunrise and sunset, and also between sunset and sunrise if it is open to the public or any industry is being carried on at the time, and if he has reason to believe that anything is being done in any place without a licence or permission, where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, bye-laws, regulations, any condition of a licence or permission or any lawful direction or prohibition is being contravened and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the Commissioner or any person to whom he has lawfully delegated his powers or by the use of any force necessary for effecting an entrance under this sub-section.

(6) When any licence or permission is suspended or revoked or when the period for which it was granted or within which application for renewal should be made has

expired, whichever expires later, the grantee shall for all purposes of this Act, or any rule or bye-law made under it be deemed to be without licence or permission made until the order suspending or revoking the licence or permission is cancelled or subject to sub-section (10) until the licence or permission is renewed, as the case may be.

(7) Every grantee of any licence or permission shall at all reasonable times while such licence or permission remains in force, produce the same at the request of the Commissioner.

(8) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission or to make registration required by the provisions of this Act, or by any rule or bye-law made under this Act, the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the corporation the amount of the fee chargeable for the licence or permission or for registration and may in his discretion also recover summarily and pay over to the corporation such amount, if any, as he may fix as the costs of the prosecution.

(9) Such recovery of the fee under sub-section (8) shall not by itself entitle the person convicted to a licence or permission or to registration as aforesaid.

(10) The acceptance by the corporation of the prepayment of the fee for a licence or permission or for registration shall not entitle the person making such prepayment to the licence or permission or to registration, as the case may be, but only to refund of the fee in case of refusal of the licence or permission or of registration, but an applicant for the renewal of a licence or permission or registration, shall, until communication of orders on his application, be entitled to act as if the licence or permission or registration had been renewed; and save as otherwise specially provided in this Act, if orders on an application for licence or permission or for registration are not communicated to the applicant within forty-five days after the receipt of the application by the Commissioner, the appli-

cation shall be deemed to have been alowed for the year or for such less period as is mentioned in the application and subject to the provisions of this Act, the rules, bye-laws regulations and all conditions ordinarily imposed.

449. **Appeal from Commissioner to standing committee.**—(1) An apeal shall lie to the Standing Committee from—

(a) any notice issued or other action taken or proposed to be taken by the Commissioner—

(i) under sections 142, 252, 253, 254, 256, 313, 314, 326 (3), 327 (1), 328 (1), 329 (1), 333 (1), 334, 335, 342, 351, 352, 359, 360 and 363;

(ii) under any bye-lay concerning house, drainage or the connection of house drains with corporation drains; or house connections with corporation water supply or lighting mains;

(b) any refusal by the Commissioner to grant permission to construct or reconstruct a building under section 306 or 320;

(c) any refusal by the Commissioner to grant a permission under section 139, 239, 331 or 359;

(d) any refusal by the Commissioner to grant a licence under section 350, 358, 370 or sub-section (2) of section 376; or

(e) any order of the Commissioner made under sub-section (4) of section 448 suspending or revoking a licence;

(f) any other order of the Commissioner that may be made appealable by rules made under section 426.

(2) If, on any such appeal, the standing committee reverses or substantially modifies any action taken or proposed to be taken by the Commissioner or any order passed by him, he may, within sixty days of the date of such decision, refer the matter to the corporation and pending the decision of the corporation on such reference, the Commissioner shall not be bound to give effect to the decision of the standing committee.

(3) The decision of the standing committee or where the matter has been referred to the corporation as aforesaid, the decision of the corporation shall be final.

450. **Period of limitation for appeals.**—In any case in which no time is laid down in the foregoing provisions of this Act for the presentation of an appeal allowed thereunder such appeal shall, be presented—

(a) where the appeal is against an order granting a licence or permission, within thirty days after the date of the publication of the order on the notice board of the corporation ; and

(b) in other cases within thirty days after the date of receipt of the order or proceeding against which the appeal is made.

451. Power of person conducting election and other inquiries.—All persons authorised by rule to conduct enquiries relating to elections and all inspecting or superintending officers holding any inquiry into matters falling within the scope of their duties, shall have for the purposes of such enquiries the same powers in regard to the issue of summonses for the attendance of witnesses and the production of document as are conferred upon revenue officers by the Karnataka Land Revenue Act, 1964, and the provisions of that Act, shall apply to summons issued and to persons summoned by virtue of the powers conferred by this section ; and all persons to whom summonses are issued by virtue of the said powers shall be bound to obey such summonses.

452. Summons to attend and give evidence or produce documents.—The Commissioner may summon any person to attend before him, and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation, or inspection, or registration, or to the grant of any licence or permission under the provisions of this Act.

453. Form of notices and permissions.—All notices and permissions given, issued or granted as the case may be, under the provisions of this Act shall be in writing.

454. Proof of consent of municipal authorities or corporation officers.—Whenever under this Act or any rule, bye-law or regulation made under it, the doing of or omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of—

(a) the corporation, a standing committee or the Commissioner; or

(b) any corporation officer,

a written document signed in the case of (a), by the commissioner and in the case of (b) by the said corporation officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

455. Signature on documents.—(1) Every licence, permission, notice, bill, schedule, summons, warrant or other document which is required by this Act or by any rule, bye-law or regulation made under it to bear the signature of the Commissioner or of any corporation officer shall be deemed to be properly signed if it bears the facsimile of the signature of the Commissioner or of such corporation officer, as the case may be, stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the corporation fund or to any deed or contract.

456. Publication of notification.—Save as otherwise provided, every notification under this Act shall be published in the Official Gazette, in English and in Kannada.

457. Publication of order, notice or other documents.—Every order, notice, or other documents, directed to be published under this Act or any rule, bye-law or

regulation made under it shall, unless a different method is prescribed by this Act or by the corporation or the standing committee, as the case may be, translated into Kannada and deposited in the office of the corporation and copies thereof in English and in Kannada shall be posted in a conspicuous position at such office and at such other places as the corporation or standing committee, as the case may be, may direct; and a public proclamation shall be made by beat of drum in the locality affected or by advertisement in the local newspapers that such copies have been so posted and that the originals are open to inspection at the office of the corporation.

458. **Publication in newspapers.**—Whenever it is provided by this Act or by any rule, bye-law or regulation made under it that notice shall be given by advertisement in the local newspapers or that a notification or any information shall be published in the same, such notice, notification or information shall be inserted in at least one English and one Kannada newspaper published in the city.

459. **Notice of prohibition or setting apart of places.**—Whenever the corporation, a standing committee or the Commissioner shall have set apart any place for any purpose authorised by this Act or shall have prohibited the doing of anything in any place, the Commissioner shall forthwith cause to be put up a notice in English and in Kannada at or near such place. Such notice shall specify the purpose for which such place has been set apart or the act prohibited in such place.

460. **Method of serving documents.**—(1) When any notice or other document is required by this Act or by any rule, bye-law, regulation or order made under it to be served on or sent to any person, the service or sending thereof may be effected—

(a) by giving or tendering the said document to such person; or

(b) if such person is not found, by leaving suc document at his last known place of abode or business or b giving or tendering the same to his agent, clerk or serva or some adult member of his family; or

(c) if such person does not reside in the city and h address elsewhere is known to the Commissioner, by sen ing the same to him by registered post; or

(d) if none of the means aforesaid be available, b affixing the same in some conspicuous part of such pla of abode or business.

(2) When the person is an owner or occupier of an building or land it shall not be necessary to name the own or occupier in the document, and in the case of joi owners and occupiers it shall be sufficient to serve it o or send it to, one of such owners or occupiers.

(3) Whenever in any bill, notice, form or oth document served or sent under this Act, a period is fixe within which any tax or other sum is to be paid or a work executed or anything provided, such period shall the absence of an express provision to the contrary in th Act, be calculated from the date of such service or by registered post.

461. **Recovery by occupier of sum leviable from owners.**—If the occupier of any building or land mak on behalf of the owner thereof any payment for whic under this Act, the owner, but not the occupier is liabl such occupier shall be entitled to recover the same fro the owner and may deduct it from the rent then or ther after due by him to the owner.

462. **Obstruction of owner by occupier.**—(1) If th occupier of any building or land prevents the owner fro carrying into effect in respect thereof any of the provisio of this Act the Commissioner may by an order require th said occupier, to permit the owner, within eight days fro the date of service of such order, to execute all such wor as may be necessary.

(2) Such owner shall, for a period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of default, in executing such works.

463. **Execution of work by occupier in default of owner.**—If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Act or of any rule, bye-law, regulation or order made under it, the occupier of such building or land may, with the approval of the Commissioner, execute the said work, and shall be entitled to recover from the owner, the reasonable expenses incurred in the execution thereof and may deduct the amount thereof from the rent then or thereafter due by him to the owner.

464. **Commissioner's power of entry to inspect, survey or execute** the work.—The Commissioner or any person authorised by him in this behalf may enter into or on any building or land with or without assistants or workmen in order to make any inquiry, inspection, test, examination, survey, measurement or valuation or for the purpose of lawfully placing or removing meters, instruments, pipes or apparatus, or to execute any other work which he is authorised by the provisions of this Act or of any rule, bye-law, regulation or order made under it, or which it is necessary for any of the purposes of this Act or in pursuance of any of the said provisions to make or execute:

Provided that—

(a) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise;

(b) except when it is in this Act otherwise expressly provided no dwelling house, and no part of a public building or hut, which is used as a dwelling place, shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least twenty-four hours' previous notice of the intention to make such entry

(c) sufficient notice shall be in every case given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy may be preserved;

(d) due regard shall be paid, so far as may be compatiable with the exigencies of the purpose of the entry, to the social and religious usages of the occupants of the premises.

465. Power to enter on lands adjacent to works.— (1) The Commissioner or any person, authorised by him in this behalf may with or without assistants or workmen enter on any land adjoining or within forty-five metres of any work authorised by this Act or by any rule, bye-law, regulation or order made under it, for the purpose of depositing on such land any soil, gravel, stone or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on thereof.

(2) The Commissioner or such authorised person shall, before entering on any land under sub-section (1), give the owner and occupier three days' previous notice of the intention to make such entry, and state the purpose thereof, and shall if so required by the owner or occupier, fence off so much of the land as may be required for such purpose.

(3) The Commissioner or such authorised person shall not be bound to make any payment, tender or deposit before entering on any land under sub-section (1), but shall do as little damage as may be. The Commissioner shall pay compensation to the owner or occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the Commissioner, he may appeal to the standing committee, whose decision shall be final.

466. Consequences of failure to obtain licences, etc., or of breach of the same.—(1) If, under this Act, or any rule, bye-law or regulation made under it the licence or permission of the corporation, the standing committee or Commissioner or registration in the office of the corpotion is necessary for the doing of any act, and if such act is done without such licence or permission or registraration is necessary for the doing of any act, and if such licence or permission, then—

(a) the Commissioner may by notice, require the person so doing such act to alter, remove, or as far as practicable restore to its original state the whole or any part of any property, movable or immovable public or private, affected thereby within a time to be specified in the notice;

(b) the Commissioner or any officer duly authorised by him may also enter into or on any building or land where such act is done and take all such steps as may be necessary to prevent the continuance of such act ; and

(c) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be liable on conviction by a magistrate to a fine not exceeding fifty rupees for every such offence.

(2) No claim shall lie against the Commissioner or any other person for any damage or incovenience caused by the exercise of the power given under this section or by the use of the force necessary for the purpose of carrying out the provisions of this section.

467. Time for complying with order and power to enforce in default.—(1) Whenever by any notice, requisition or order made under this Act or under any rule, bye-law or regulation made under it, any person is required to execute any work, or to take any measures or do anything, a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken, or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named, then whether or not a fine

is provided for such default and whether or not the person in default is liable to punishment or has been prosecuted or sentenced to any punishment for such default, the Commissioner may cause such work to be executed, or may take any measure or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order as aforesaid.

(3) If no penalty has been specially provided in this Act for failure to comply with such notice, the said person shall, on conviction, be punished with fine not exceeding fifty rupees for such offence.

468. Recovery of expenses from persons liable and limitation or liability of occupier.—(1) The Commissioner may recover any reasonable expenses incurred under section 467 from the person or any one of the persons to whom the notice, requisition or order was addressed in the same manner as the tax on buildings or lands and may, in executing work or taking measures under section 467 utilise any materials found on the property concerned or may sell them and apply the sale proceeds in or towards the payment of the expenses incurred.

(2) If the person to whom notice is given is the owner of the property in respect of which it is given, the Commissioner may (whether any action or other proceeding has been brought or taken against such owner or not) require the person if any, who occupies such property, or any part thereof, under the owner to pay to the corporation instead to the owner the rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under sub-section (1) or to such smaller amount as the Commissioner may think proper, and any amount so paid shall be deducted from the amount payable by the owner.

(3) For the purpose of deciding whether action should be taken under sub-section (2) the Commissioner may require any occupier of property to furnish informa-

tion as to the sum payable by him as rent on account of such property and as to the name and address of the person to whom it is payable; and such occupier shall be bound to furnish such information.

(4) The provision of this section shall not affect any contract made between any owner and occupier respecting the payment of expenses of any such work as aforesaid.

469. Recovery of surcharges and charges how made.—(1) Every sum certified by the auditor to be due from any person under rule 16 of Schedule X shall be paid by such person into the treasury or bank in which the funds of the corporation are lodged, within one month from the receipt by him of the decision of the Commissioner, unless within that time such person has applied to the court or to the Government as provided in rule 15 of Schedule X.

(2) The said sum, if not paid, or if an application has been made to the court or to the Government against the decision of the auditor as provided in rule 15 or 16 of Schedule X such sum as the court or the Government shall declare to be due, shall be recoverable, on an application made by the Commissioner to the court, in the same manner as an amount decreed by the court in favour of the Commissioner.

470 Power of Commissioner to agree to receive payment of expenses in instalments.—Instead of recovering any such expenses as aforesaid in the manner provided under section 475, the Commissioner may, if he thinks fit and with the approval of the standing committee take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of nine per cent per annum, within a period of not more than five years.

471. Power to declare expenses on certain works as improvement expenses.—If the expenses to be recovered

have been incurred or are to be incurred in respect of any work mentioned—

(a) in section 193, section 230, section 232, clause (b) of sub-section (1) of section 277, section 288, sub-section (1) and (2) of section 333, section 337, section 342, section 381 or section 467; or

(b) in any rule made under this Act in which this section is made applicable to such expenses,

the Commissioner may, if he thinks fit and with the approval of the standing committee, declare such expenses to be improvement expenses.

472. Improvement expenses by whom payable.—(1) Improvement expenses shall be a charge on the premises, in respect of which or for the benefit of which the same shall have been incurred and shall be recoverable in instalments of such amounts, and at such intervals, as will suffice to discharge such expenses together with interest thereon within such period not exceeding twenty years as the Commissioner may in each case determine.

(2) The said instalments shall be payable by the owner or occupier of the premises on which the expenses are charged:

Provided that when the occupier pays any such instalment he shall be entitled to deduct the amount thereof from the rent payable by him to the owner or to recover the same from the owner.

473. Redemption of charge for improvement expenses.—At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which the expenses are charged may redeem such charge by paying to Commissioner such part of the said expenses as are still payable.

474. Relief to agents and trustees.—(1) Where an agent, trustee, guardian, manager or receiver would be bound to discharge any obligation imposed by this Act, or

any rule, bye-law, regulation or order made under it for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has or but for his own improper act or default might have had, in his hands funds belonging to the principal or beneficial owner sufficient for the purposes.

(2) The burden of proving the facts entitling any person to relief under this section shall lie on him.

(3) When any person has claimed and established his right to relief under this section, the Commissioner may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf of or for the use of the principal or beneficial owner, as the case may be; and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

475. Recovery of sums due as taxes.—All costs damages, penalties, compensation, charges, fees, rents, expenses, contributions and other sums which under this Act or any rule, bye-law or regulation made thereunder or any other law or under any contract including a contract in respect of water-supply or drainage made in accordance with this Act, and the rules, bye-laws and regulations are due by any person to the corporation shall, if there is no special provision in this Act for their recovery be demanded by bill, containing particulars of the demand and notice of the liability incurred in default of payment and may be recovered in the manner provided in Chapter X unless within fifteen days from the date of service of the bill such person shall have applied to the District Court having jurisdiction, under section 476.

476. Determination by District Court of sums payable.—Where in any case not provided for in section 480 any municipal authority or any person is required by or under this Act or any rule, bye-law, regulation or contract

made under it to pay any costs, damages, penalties, compensation, charges fees, rents, expenses, contributions, or other sums referred to in section 475, the amount or apportionment of the same, shall, in case of dispute, be ascertained and determined except as it otherwise provided in section 212, 432 or 490 or in the Land Acquisition Act, 1894, by the District Court having jurisdiction on application made to it for this purpose at any time within six months from the date when such costs, damages, penalties, compensation, charges fees, rents, expenses, contributions, or other sums first became payable.

477. Proceedings before District Court.—(1) On an application made under section 476, the District Court shall summon the other party to appear before it.

(2) On the appearance of the parties or, in the absence of any of them on proof of due service of the summons, the District Court may hear and determine the case.

(3) In every such case the District Court shall determine the amount of the costs and shall direct by which of the parties the same shall be paid.

478. Recovery of sums payable by distress.—If the sum due on account of costs, damages, penalties, compensation, charges, fees, rents, expenses, contribution or other sums ascertained in the manner described in section 482, is not paid by the party liable within fifteen days after demand such sum may be recovered under a warrant of the District Court, by distress and sale of the movable property of such party.

479. Limitation for recovery of dues.—No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to the corporation under this Act after the expiration of a period of six years from the date on which distraint might first have been made, a suit might first have been instituted or

prosecution might first have been commenced, as the case may be, in respect of such sum.

480. Procedure in dealing with surplus sale proceeds.— If any property, movable or immovable, is sold, under the provisions of this Act, and if there is a surplus after the sum due to the corporation and the costs have been deducted from the sale proceeds, such surplus shall, if the owner of the property sold claims it within three years from the date of the service or sending of the notice regarding such surplus be paid to him by the Commissioner, but if no such claim is preferred within such time, the said surplus shall be credited to the corporation fund and no suit lie for the recovery of any sum so credited.

481. Power of Government to direct person in custody of corporation fund to pay Government and other dues.— If a corporation makes default in the payment of any amount due to the Government, the Karnataka State Electricity Board, the Bangalore Water Supply and Sewerage Board or any other statutory authority, Government may make an order directing the person having the custody of the corporation fund to pay it in priority to any other charge against such fund, and such person shall, so far as the funds to the credit of the corporation admit comply with such order.

482. Period of limitation for making complaints.— No person shall be liable to be tried for any offence against any of the provisions of this Act, or of any rule, bye-law, regulation or order made under it, unless complaint is made within six monthe from the commission of the offence, by the police or the commissioner or by a person authorised in this behalf by the corporation or the standing committee or the Commissioner :

Provided that failure to take out a licence, obtain permission or secure registration under this Act shall, for the purposes of this section, be deemed a continuing offence until the expiration of the period, if any, for which the

licence, permission or registration is required, and if no period is specified complaint may be made at any time within twelve months from the commission of the offence.

483. Cognizance of offences.—All offences against this Act, or against any rule, bye-law, regulation or order made under it, whether committed within or outside the city, shall be cognizable by a first class magistrate having jurisdiction in the city; and such first class magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any corporation rate or other tax or of his being benefited by the corporation fund to the credit of which any fine imposed by him will be payable.

484. Imprisonment in default of payment and application of fines.—(a) In case any fine, costs, tax or other sum of money imposed, assessed or recoverable by a magistrate under this Act or under any rule, bye-law, or regulation made under it, shall not be paid, the magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions, limitations and condition imposed in sections 64 to 70 (both inclusive) of the Indian Penal Code.

(b) Any fine, costs, tax or other sum imposed, assessed or recoverable by a magistrate under this Act or any rule, bye-law or regulation made thereunder shall be recoverable by such magistrate, as if it were a fine imposed under the Code of Criminal Procedure 1973 (Central Act 2 of 1974) and the same shall on recovery be credited to the corporation fund.

485. Payment of compensation for damage to corporation property.—If, on account of any act or omission, any person has been convicted of an offence against the provisions of this Act or against any rule, bye-law or regu-

lation made under it and by reason of such act or omission damage has been caused to any property of the corporation the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been sentenced for the said offence. In the event of dispute, the amount of compensation payable by the said person shall be determined by the magistrate before whom he was convicted of the said offence on application made to him for the purpose by the Commissioner not later than three months from the date of conviction, and in default of payment of the amount of compensation so determined, it shall be recovered under a warrant from the said magistrate as if it were a fine inflicted by him on the person liable therefor.

486. Recovery of tax, etc., by suit.—Nothing herein contained shall preclude the corporation from suing in a civil court for the recovery of any duty, fee, rate, charges or other amount due under this Act.

487. Institution of suits against municipal authority, officers and agents.—(1) No suit for damage or compensation shall be instituted against the corporation or any municipal authority, corporation officer or servant, or any person acting under the direction of the same, in respect of any act done in pursuance or in execution, or intended execution of this Act or any rule, bye-law, regulation or order made under it or in respect of any alleged neglect or default in the execution of this Act or any rule, bye-law, regulation or order made under it until the expiration of one month after a notice has been delivered or left at the corporation office or at the place of abode such officer, servant or person, stating the cause of action, the relief sought, and the name and place of abode of the intending plantiff, and the plain shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be commenced, within six months after the date on which the cause of action arose or

in case of a continuing injury or damage during such continuance or within six months after the ceasing thereof.

(3) Nothing in this section shall be deemed to apply to any other suit including a suit for injunction.

(4) If any person to whom any notice is given under sub-section (1) tenders amounts to the plaintiff before the suit is instituted, and if the plaintiff, does not recover in any such action more than the amount so tendered he shall not recover any costs incurred after such tender and the defendant shall be entitled to costs as from the date of tender.

(5) Where the defendant in any suit is the Commissioner, a corporation officer or servant, payment of the sum or any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise may be made, with the sanction of the standing committee, from the corporation fund.

488. Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.—The Commissioner may,—

(a) take, or withdraw from proceedings against any person who is charged with,—

(i) any offence against this Act, the rules, bye-laws, or regulations ;

(ii) any offence which affects or is likely to affect any property or interest of the corporation or the due administration of this Act ;

(iii) committing any nuisance whatsoever ;

(b) compound any offence against this Act, the rules, bye-laws, or regulations which may by rules made by the Government be declared compoundable ;

(c) defend himself if sued or joined as a party in assessment or tax ;

(d) defend, or compromise any appeal against any proceedings in respect of the conduct of elections ;

(e) take, withdraw from or compromise proceedings under sections 412 and 490 for the recovery of expenses or compensation claimed to be due to the corporation;

(f) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the Commissioner, or with the approval of the standing committee, any such claim for any sum exceeding five hundred rupees;

(g) with the approval of the corporation defend any suit or other legal proceeding brought against the corporation or against any municipal authority, officer or servant, in respect of anything done, or omitted to be done by them, respectively, in their official capacity;

(h) with the approval of the standing committee, compromise any claim, suit or other legal proceedings brought against the corporation or against any municipal authority, officer or servant, in respect of anything done or omitted to be done as aforesaid;

(i) with the approval of the standing committee institute and prosecute any suit or withdraw from or compromise any suit or claim, other than a claim of the description specified in clause (f), which has been instituted or made in the name of the corporation or the Commissioner;

(j) obtain such legal advice and assistance as he may think it necessary or expedient to obtain, or as he may be desired by the corporation or the standing committee to obtain, for any of the purposes mentioned in the foregoing clause of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority, officer or servant.

489. Legal cell.—(1) There shall be a legal cell in the corporation consisting of such number of officers possessing such qualifications as are prescribed.

(2) The corporation shall consult the legal cell on all matters pertaining to the interpretation of the provi-

sions of this Act and the Rules, Regulations and bye-laws made thereunder and also in matters pertaining to the institution, defence or conduct of suits and other legal proceedings to which the corporation is a party.

(3) The expenditure on the legal cell shall be met out of the corporation funds.

490. Indemnity to Government, municipal authorities, officer and servants.—No suit, prosecution or other legal proceedings shall lie against the Government or any municipal authority, officer, or servant or any person acting under the direction of the Government or any municipal authority, officer or servant, in respect of anything in good faith done or intended to be done under this Act, or any rule, bye-law, regulation or order made under it.

491. Liability of Commissioner and councillor for loss, waste or misapplication of fund, etc.—(1) The Commissioner and every councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the corporation, if such loss, waste, or misapplication is a direct consequence of his wilful neglect or misconduct and a suit for compensation may be instituted against him by the corporation with the previous sanction of the Government.

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

492. Sanction for prosecution of Mayor, Deputy Mayor, etc.—When the Mayor or Deputy Mayor, or any councillor or the Commissioner or any officer of Government working in the corporation on deputations is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no magistrate shall take cognizance of such offence except with the previous sanction of the Government.

493. Assessment, etc., not to be impeached.—(1) No assessment or demand made and no charge imposed

under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake,—

(a) in respect of the name, residence, place of business or occupation of any person, or

(b) in the description of any property or thing, or

(c) in respect of the amount assessed, demanded or charged:

Provided that the provisions of this Act have in substance and effect been complied with and no proceedings under this Act shall merely for defect in form, be quashed or set aside by any court.

(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment, or collection of money made under the said authority:

Provided that the provisions of this Act have, in substance and effect, been complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a tresspasser, on account of any error, defect or want of form in the bill, notice, Schedule, form, summons, notice of demand, warrant of distraint, inventory or other proceeding relating thereto, if the provisions of this Act, the rules and the bye-laws have, in substance and effect, been complied with:

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.

494. Duties of police officers.—It shall be the duty of every police officer,—

(a) to communicate without delay to the appropriate corporation officer any information which he receives of the design to commit or of the commission of any offence

under this Act or any rule, bye-law or regulation made under it ;

(b) to assist the Commissioner or any corporation officer or servant or any person to whom the Commissioner has lawfully delegated powers reasonably demanding his aid for the lawful exercise of any power vesting in the Commissioner or in such corporation officer or servant or person under this Act or any such rule, bye-law or regulation, and for all such purposes he shall have the same powers which he has in the exercise of his ordinary police duties.

495. Power of police officer to arrest persons.—(1) If any police officer sees any person committing an offence against any of the provisions of this Act or of any rule, bye-law or regulation made under it, he shall if the name and address of such person are unknown to him and if the said person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody—

(a) after his true name and address are ascertained, or

(b) without the order of a magistrate for any longer time, not exceeding twety-four hours from the hour of arrest, than is necessary for bringing him before a magistrate.

496. Exercise of powers of police officer by corporation servants.—The Government may empower any corporation officer or servant or any class of corporation officers or servants to exercise the powers of a police officer for the purposes of this Act.

497. Corporation security force.—(1) There shall be constituted and maintained a force to be called the corporation security force,—

(i) for the better protection and security of the property owned by the corporation ;

(ii) for aiding the officers of the corporation in the detection and investigation of any matter relating to leakage of revenue or any tax payable to the corporation;

(iii) for effective comunication and obtaining of any information regarding any design to commit or the commission of any offence by any person under this Act, any rule, bye-law or regulation or order made under it.

(2) The corporation security force shall consist of such number of supervisory officers and members as may be determined by the corporation and shall be appointed by the Commissioner in accordance with such rules as may be prescribed.

(3) The Commissioner shall exercise powers of superintendence and control over the corporation security force and matters relating to recruitment and conditions of service, the conduct and discipline of the members of the security force shall be governed by such rules as may be prescribed.

498. Application of term "public servant", to corporation officers, agents and sub-agents.—Every councillor, officer or servant, every contractor or agent for the collection of any corporation tax, fee or other sum due to the corporation and every person, employed by any such contractor or agent for the collection of such tax, fee, or sum shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

499. Prohibition against obstruction of proceedings of corporation, standing committee, Mayor, etc.—No person shall obstruct any proceedings of the corporation or any standing committee, the Mayor or Deputy Mayor, and councillor, the Commissioner or any person employed by the corporation or any person with whom the Commissioner has entered into a contract on behalf of the corporation in the performance of their duty or of anything which they are empowered or required to do by virtue of

or in consequence of this Act or of any rule, bye-law, regulation or order made under it.

500. Prohibition against removal of mark.—No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or any rule, bye-law, regulation or order made under it.

501. Prohibition against removal or obliteration of notice.—No person shall, without authority in that behalf exhibited by or under the orders of the corporation, remove, destroy, deface or otherwiseobliteration any notice a standing committee or the Commissioner.

502 Prohibition against unauthorised dealings with public place or materials.—No person shall, without authority in that behalf, remove earth, sand or other material or deposition and matter or make any encroachment, from, in, or on any land vested in the corporation or water-course (not being private property), or in any way obstruct the same.

503. Bidding prohibited.—(1) No employee or [illegible] of the corporation having any duty to perform in connection with the sale of movable or immovable property by or on behalf of the corporation under this Act shall directly or indirectly bid for or acquire interest in any property sold at such sale.

(2) Any person who contravenes the provisions of sub-section (1) shall, be punished with fine which may extend to five hundred rupees and shall also be liable to dismissal from service.

504. Offence by companies.—(1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and

shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

(a) "company" means a body corporate, and includes a firm ;

(b) "director" in relation to a firm means a partner in the firm.

505. Effect of absorption of panchayat area into a city.—If any local area consisting of one or more revenue villages in respect of which a panchayat has been constituted under the Karnataka Village Panchayat and Local Boards Act, 1959, is included in a city by virtue of a notification under sub-section (1) of section 4, then, notwithstanding anything contained in this Act or in the Karnataka Village Panchayats and Local Boards Act, 1959, but subject to the provisions of section 4 of this Act, with effect from the date on which such area is included in a city, the following consequences shall ensue, namely :—

(a) the panchayat of such local area (hereinafter referred to as the panchayat) shall cease to exist and the Taluk Development Board of the Taluk in which such area is situated shall cease to have jurisdiction over such area ;

(b) the unexpended balance of the panchayat fund and the property (including arrears of rates, taxes and fees) belonging to the panchayat and all rights and powers which prior to such notification, vested in the panchayat shall, subject to all charges and liabilities affecting the same, vest in the corporation of the city (hereinafter referred to as the corporation);

(c) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made, issued, imposed or granted under the Karnataka Village Panchayats and Local Boards Act, 1959 immediately before the said date in respect of the said local area shall continue in force and be deemed to have been made, issued, imposed or granted under this Act until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made, issued imposed or granted under this Act;

(d) all budget estimates, assessments, assessment lists, valuations or measurements, made or authenicated under the Karnataka Village Panchayats and Local Boards Act, 1959, immediately before the said date in respect of the said local area shall be deemed to have been made or authenticated under this Act;

(e) all debts and obligations incurred and all contracts made by or on behalf of the panchayat immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the corporation in exercise of the power conferred on it by this Act.

(f) all officers and servants in the employ of the panchayat immediately before the said date shall be officers and servants of the corporation under this Act and shall, until other provision is made in accordance with the provision of this Act receive salaries and allowances and be subject to the conditions of service to which there were entitled or subject immediately before such date:

Provided that it shall be competent to the corporation, subject to he previous sanction of the Government, to discontinue the services of any officer or servant, who, in its opinion, is not necessary or suitable for the requirements of

the service under the corporation after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are dispensed with shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalidated out of services, as if the panchayat in the employ of which he was, had not ceased to exist ;

(g) all proceedings pending on the said date before the panchayat shall be deemed to be transfered to and shall be continued before the corporation ;

(h) all appeals pending before any authority shall, so far as may be practicable, be disposed of as if the said local area had been included in the city when they were filed ;

(i) all prosecutions instituted by or on behalf of the panchayat and all suits or other legal proceedings instituted by or against the panchayat or any officer of the panchayat pending on the said date shall be continued by or against the corporation as if the said local area had been included in the city when such prosecutions, suits or proceedings were instituted ;

(j) all arrears of rates, taxes and fees vesting in the corporation shall, notwithstanding that such rates and fees cannot be levied under this Act, be recoverable in the same manner as a tax recoverable under this Act ;

(k) until the reconstitution of the corporation in accordance with the provisions of this Act, notwithstanding anything to the contrary contained in section 21 of this Act, such number of persons ordinarily resident in the local area included in the city who are nominated by the Government shall be additional councillors of the corporation.

506. Effect of absorption of a part of a panchyat area into a city.—If any part of an area within the limits of a panchayat is included in a city, then, notwithstanding anything contained in this Act or in the Karnataka Village Panchayats and Local Boards Act, 1959, but subject to the provisions of section 4 of this Act, with effect from the date

on which such area is included in the city, the following consequences shall ensure namely :—

(a) so much of the Panchayat Fund and other property vesting in the panchayat shall be transferred to the corporation fund as the Government may, by order in writing, direct ;

(b) the rights and liabilities of the panchayat in respect of civil and criminal proceedings, contracts, and other matters or things (including arrears of taxes, fees and cess) arising in or relating to any part of the area included in the city shall vest in the corporation ; and such rights and liabilities may be enforced by or against the corporation under this Act or the rules, bye-laws and orders made thereunder ;

(c) such officers and servants of the panchayat shall be transferred to the corporation as the Government may, by order, direct.

* * * * *

507. Special provisions as to rural areas.—Nowithstanding anything contained in the foregoing provisions of this Act,—

(a) a corporation with the previous approval of the Government may, by notification,—

(i) exempt the rural areas or any portion thereof from such of the provisions of this Act as it deems fit ;

(ii) levy taxes, rates, fees and other charges in the rural areas or any portion thereof at rates lower than those at which such taxes, rates, fees, and other charges are levied in the urban areas or exempt such areas or portion from any such tax, rate, fee or other charge ;

(b) the corporation with the previous approval of the Government may, by notification, declare that any portion of the rural areas shall cease to be included therein and upon the issue of such notification, that portion shall be included in and form part of the urban area.

Explanation.—In this section.—

(i) " rural areas " means, the areas of the city which immediately before the date of their inclusion in the city were

situated within the local limits of any Panuchayat established under the Karnataka Village Panchayats and Local Boards Act, 1959, but shall not include such portion thereof as may by virtue of a notification under clause (b) of this section cease to be included in the rural areas as herein defined ;

(ii) " urban areas " means the areas of the city which are not rural areas.

508. Declaration of city municipality as a city under this Act.—(1) Subject to the provision of section 3 the Government may declare by notification that any city municipality constituted under he Karnataka Municipalities Act, 1964 (Karnataka Act 22 or 1964) shall with effect from a date to be specified in such notification be a city constituted under section 3 of this Act.

(2) The provisions of the Karnataka Municipalities Act 1964 applicable to such city municipality shall not apply to any local area declared as a city under sub-section (1) with effect from the date specified in the declaration :

Provided that any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made or issued or imposed under the said Act in respect of such city municipality which were in force as applicable immediately before the date specified under sub-section (1) shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Act unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made or issued or imposed under this Act.

(3) With effect from the date of declaration of any area as a city under sub-section (1), the following consequences shall ensure, namely :—

(a) the body functioning as a city muncipal council under the Karnataka Municipalities Act, 1964 immediately before the date of the said declaration in respect of the said area shall become a body competent to exercise the powers and perform the duties conferred by the provisions

of the Act on a corporation in respect of the said area until a corporation is duly constituted for the area within the jurisdiction of such body under the provisions of this Act;

(b) the councillors of the city municipal council holding office as such immediately before the said date shall become councillors of the corporation,

(c) the president of the said city municipal council shall become the Mayor of the corporation and discharge duties and perform functions of the Mayor under this Act and thevice-president of the said city municipal council shall become the Deputy Mayor of the said corporation under this Act;

(d) the unexpended balance of the municipal fund and the property (including arrears of rates, taxes and fees) belonging to the said city municipal council and all rights and powers which prior to the said declaration vested in the city muncipal council shall subject to all charges and liabilities affecting the same vest in the corporation as the corporation fund;

(e) any appointment, notification notice, tax order, scheme, licence, permission, rule, bye-law or form, made, issued under any other law in respect of such municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Act, unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made or issued or imposed under this Act;

(f) all budget estimates, assessments lists, valuation or measurments made or authenticated under the Karnataka Municipalities Act, 1964 immediately before the said date shall be deemed to have been made or authenticated under this Act;

(g) all debts and obligations incurred and all contracts made by or on behalf of the city municipal council immediately before the said date and subsisting on the said date shall be deemed too have been incurred and made by the corporation in exercise of the powers conferred on it by or under the Act;

(h) all proceedings pending prior to the said declaration before the city Municipal council shall be continued by the corporation ;

(i) all appeals pending before any authority shall so far as may be practicable, be disposed of as if the said area had been included in the corporation when they were filed ;

(j) all prosecutions instituted by or on behalf of the city municipal council and all suits or other legal proceedings instituted by or aganst the cty municipal council or any officer of the city muncipal council pending at the said date shall be continued by or against the corporation as if such area had been included in the corporation when such prosecutions, suits or proceedings were instituted ;

(k) all officers and servants in the employ of the city municipal council immediately before the said date shall be officers and servants of the corporation under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled immediately before such date :

Provided that it shall be competent to the corporation subject to the previous sanctions of the Government, to discontinue the services of any officer or servant, who, in its opinion, is not necessary or suitable for the requirements of the municipal service after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are dispensed with shall be entitled to such leave, pension provident fund and gratuity as he would have been entitled to take or receive on being invalidated out of service, as if the city municipal council in the employ of which he was, had not ceased to exist.

(4) A corporation shall be duly constituted for the city under this Act before the expiry of such period as the Government may by notification specify and from the date of the first meeting of the corporation as so constituted the

body exercising the powers and performing the duties of the corporation shall be stand dissolved.

(5) The properties, rights and liabilities of the municipal council of a city muncipality declared as a city under sub-section (1) shall vest in the corporation of the said city with effect from the date specified in the notification.

509. The provisions of the Karnatak Agricultural Produce Markets Act, 1966 not affected.—The provisions of this Act in so far as they relate to markets and other premises shall not be applicable to any market established under the Karnataka Agricultural Produce Markets Act, 1966 and the provisions of this Act with respect to any other market shall be in addition to and not in derogation of the said Act.

510. Exercise of powers by a corporation to be in conformity with the provisions of the Karnataka Town and Country Planning Act, 1961.—Notwithstanding anything contained in this Act, a corporation or any officer or other authority required by or under this Act to exercise any power, or perform any function or discharge any duty,—

(i) with regard to any matter relating to land use or development as defined in the Explanation to section 14 of the Karntaka Town and Country Planning Act, 1961, shall exercise such power, or perform such function or discharge such duty with regard to such land use or development plan or where there is no development plan, with the concurrence of the Planning Authority ;

(ii) shall not grant any permission, approval or sanction required by or under this Act to any person if it relates to any matter in respect of which compliance with the provisions of the Karnataka Town and Country Planning Act, 1961 is necessary unless evidence in support of having complied with the provisions of the said Act is produced by such person to the satisfaction of the corporation or the officer or other authority, as the case may be.

511. Trasitional and transitory provisions.—(1) Notwithstanding anything contained in this Act, until the constitution of a corporation in accordance with the provisions

of this Act for the City of Bangalore and the City of Hubli-Dharwar,—

(i) the corporation of the City of Bangalore constituted under the City of Bangalore Municipal Corporation Act, 1949 and the Hubli-Dharwar Corporation constituted under the Bombay Provincial Municipal Corporations Act 1949, functioning immediately before the commencement of this Act, shall on and from the date of such commencement become bodies competent to exercise the powers in respect of the City of Bangalore and the City of Hubli-Dharwar as the case may be;

(ii) the persons holding office immediately before the date of commencement of this Act, as Mayor, Deputy Mayor or councillors of the City of Bangalore Corporation or the Hubli-Dharwar Corporation as the case may be, shall with effect from such date become Mayor, Deputy Mayor or councillor respectively of the corporation of the City of Bangalore or the corporation of the City of Hubli-Dharwar, as the case may be, and they shall continue to discharge the functions conferred on a Mayor, Deputy Mayor, or councilor as the case may be under this Act until a Mayor, a Deputy Mayor or councillor elected in accordance with this Act for the corporation of the City of Bangalore or the City of Hubli-Dharwar as the may be, constituted under this Act.

(iii) the standing committees functioning immediately before the commencement of this Act shall stand dissolved with effect from the date of such commencement and the chairman and members of such standing committee shall cease to be the chairman and members respectively, and the corporation of the city of Bangalore and the corporation of the city of Hubli-Dharwar shall at their first meeting immediately after the commencement of this Act elect members of the standing committees as provided for in this Act and the standing committee so constituted shall elect the chairman in accordance with the provisions of this Act and such standing committees shall exercise the powers and perform the functions of the standing committee under this Act until standing committees are constituted by the said

corporation after the general elections are held in accordance with the provisions of this Act;

(iv) subject to any order made under section 513 casual vacancies in the seats of councillors of the bodies exercising the powers and performing the duties of a corporation under this sub-section shall be filled and all matters in connection with the filling up of such vacancies shall be regulated in accordance with the provisions governing the filing of such vacancies and regulating such matters immediately before the said date in city of Bangalore and the city of Hubli-Dharwar before commencement of this Act.

(2) A corporation shall be duly constituted under provisions of this Act, before the expiry of such period from the date of commencement of this Act as the Government may, by notification specify in respect of the City of Bangalore and the City of Hubli-Dharwar as the case may be, and from the date of the first meeting of the corporation as so constituted the bodies exercising the powers and performing the duties of a corporation shall stand dissolved.

512. Repeal and savings.—The City of Bangalore Municipal Corporation Act, 1949 (Mysore Act LXIX of 1949) and the Bombay Provincial Municipal Corporation Act, 1949 (Bombay Act LIX of 1949) are hereby repealed:

Provided that such repeal shall not affect—

(a) the previous operation of the said enactments or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation liability, forfetiure or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and such penalty

forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that subject to the preceding proviso anything done or any action taken (including any appointment or delegation made, tax, duty, fee, or cess imposed, notification, order, instrument, or direction issued, rule, regulation, form, bye-law or scheme framed, certificate obtained, permit or licence granted or registration effected) under the said enactments shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done of any action taken under this Act:

Provided also that notwithstanding anything contained in the preceding provisos where any tax, duty, fee or cess other than a duty on transfers of immovable properties has been imposed under the said enactments at a rate higher than the maximum rate permissible under this Act, such tax, duty, fee or cess may continue to be imposed and collected at such higher rate unless and until superseded by anything done or any action taken under this Act:

Provided also that any reference in any enactment or in any instrument to any provision of any of the repealed enactments shall, unless a different intention appears, be constructed as reference to the corresponding provision of this Act.

(2) Notwithstanding anything contained in sub-section (1), any tax, duty, fee, or cess imposed under the said enactments may, notwithstanding that such tax, duty, fee or cess cannot be imposed under the provisions of this Act, be continued to be levied and recovered as if the provisions of such enactments the rules, bye-laws, orders and notifications made or issued thereunder relating to such levy and recovery had not been repealed.

513. Orders for bringing this Act into force.—Notwithstanding anything contaned in this Act or in any other law, the Government may by order published in the official

Gazette make such provision not inconsistent with the provisions of this Act as appears to it to be necessary or expedient—

(a) for bringing the provisions of this Act into effective operation;

(b) for making omissions from, additions to and adaptions and modifications of the rules, bye-laws, regulations, notifications and orders in their application to any corporation;

(c) for removing difficulties arising in connection with the transition to the provisions of the Act

(d) for authorising the continued carrying on for the time being on behalf of corporations of the services and activities previously carried on by them;

(e) so far as it appears necessary or expedient in connection with any of the matters aforesaid for varying the powers or jurisdiction of any court or authority and empowering new courts or other authorities to exercise such jurisdiction as may be specified in such order.

(2) Any order under sub-section (1) may be made prospective or retrospective in operation as may be specified in such order.

(3) All orders made under sub-section (1) shall be laid before both Houses of the State Legislature and shall, subject to such modification as the State Legislature may make during the session in which they are so laid, have effect as if enacted in this Act.

SCHEDULE I

Rules of procedure for the conduct of business of the corporation and committees

(*see* section 72)

1. In these rules, 'member' means a councillor.

2. The corporation shall meet in the corporation office for the transaction of business at least once every month upon such day and such hours as may be arranged and also at other times as often as a meeting may be convened by the Mayor:

Provided that no meeting shall be held or continued on any day earlier than 8-00 A.M. or later than 7-00 P.M.

3. (1) No meeting shall be held unless at least six clear days before the day of meeting notice of the day and hour when the meeting is to be held and of the business to be transacted thereat has been given to the members.

(2) In cases of urgency, the mayor may convene a meeting after giving to the members shorter notice than that specified in sub-rule (1). In such cases notice of the day and hour of the meeting shall be published in such manner as the Mayor may deem most expedient.

4. At an ordinary meeting held in each of the months of April June, August, October, December and February, the Mayor shall place before the corporation a statement of receipts and disbursements on account of the corporation fund from the close of the last preceding year upto the close of the month before that in which the meeting takes place.

5. (1) The Mayor shall call a special meeting on receiving a request in writing signed by the not less than one-third of the members specifying the resolution which it is proposed to move.

(2) No special meeting shall be held unless at least four clear days' notice, specifying the purpose for which such meeting is to be held and the date and hour thereof, has been given by a separate communication addressed to each member and by advertisement in the local newspapers.

6. If the offices of Mayor and Deputy Mayor are vacant, the duties assigned to the Mayor by rules 2 to 5 shall be performed by the Commissioner.

7. All meetings of the corporation shall be open to the public provided that the Mayor, Deputy Mayor or presiding member may direct that the public generally or any particular person shall withdraw.

8. All questions which may come up before the corporation at any meeting shall be decided by a majority of the votes of members present and voting at the meeting and in every case of equality of votes, the Mayor, Deputy Mayor or presiding member shall have and exercise a second or casting vote.

9. No business shall be transacted at any meeting unless there be present at least one-third of the total number of members.

10. No resolution of the corporation shall be modified or cancelled within three months after the passing thereof except at a meeting specially convened in that behalf and by a resolution of the corporation supported by not less than two-thirds of the total number of members.

11. (1) Minutes of the proceedings of the corporation shall be entered in Kannada and in English in a book to be called the minute book specifying the names of the councillors who attended the meeting, the business transacted, the decision of the corporation in respect of each item of business, the date of the meeting and the time of commencement and closing of the meeting and shall be signed by the Mayor, Deputy Mayor or presiding member after each meeting. The minutes shall be written by the council Secretary.

(2) The minute book shall be open at the corporation office at all reasonable times to the inspection of any councillor without payment and to the inspection of any other person on payment of a fee of fifty paise and subject to such conditions as the corporation may impose.

12. The Commissioner may grant copies of the proceedings of the corporation and the standing committees on payment of such fees as the corporation may by general or special order determine.

13. No subject which is not connected with the business of the corporation under this Act, the rules, the regulations or the bye-laws shall be raised or allowed to be raised or be included in the agenda of any meeting of the corporation.

14. The Mayor or Deputy Mayor or the members presiding over a meeting shall preserve order thereat and shall have all the powers necessary for the purpose of enforcing his decisions.

15. During a meeting of the corporation, a member—

(i) shall not read any book, newspaper or letter except in connection with the business of the corporation;

(ii) shall not interrupt any member while speaking by disorderly expression or noise or in any other disorderly manner;

(iii) shall not leave the meeting when the person presiding is addressing the meeting;

(iv) shall always address the person presiding;

(v) shall maintain silence when not speaking in the meeting;

(vi) shall not obstruct proceedings, his or interrupt and shall avoid making running commentaries when speeches are being made in the meeting.

16. A member while speaking shall not,—

(i) refer to any matter on which judicial decision is pending;

(ii) make a personal charge against a member:

(iii) use offensive expression about the conduct, or proceeding, of members of Parliament or State Legislature;

(iv) utter treasonable, seditious or defamatory words;

(v) use his right of speech for the purpose of obstructing the business of the corporation.

17. The Mayor or Deputy Mayor or the member presiding over a meeting may direct any councillor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting and any councillor so directed to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting.

18. (1) The person presiding may, if he deems it necessary name a member who disregards the authority of the Chair or abuses the rules of procedure by persistently and wilfully obstructing the transaction of business of the corporation meeting.

(2) If a member is so named the person presiding shall forthwith put the question that the named member be suspended from the meeting of the corporation for such days as the person presiding may specify in the question:

Provided that the corporation may at any time on a motion being made resolve that such suspension be terminated.

(3) A member suspended under this rule shall forwith withdraw from the place of the meeting. If the member refuses to withdraw from the meeting, the person presiding may cause such person to have him bodily removed by the use of minimum force necessary for enforcing his decision.

19. In all matters not specifically provided for in this Act, regulations, bye-laws or the rules in regard to matters relating to conduct of business at a meeting of the corporation, the person presiding shall have and may exercise such powers as are necessary for the efficient discharge of his functions.

20. Each standing committee shall meet at the corporation office at least once a month on such day and such hour as the standing committee shall from time to time determine.

21. The chairman of a standing committee may, at any time, call a meeting of the committee and shall do so within forty-eight hours of the receipt of a requisition signed by the Commissioner or by three members of the committee and stating the business to be transacted.

22. Every notice of meeting shall be issued by the council Secretary.

23. All questions which may come up before a standing committee at any meeting shall be decided by the majority of the votes of the members present and voting at the meeting and in every case of equality of votes, the chairman or presiding member shall have and exercise a second or casting vote.

24. (1) All minutes of the proceedings of each standing committee shall be entered in a book and shall be signed by the chairman or presiding member after each meeting. The minutes shall be written by the council secretary.

(2) The minute book shall be placed before the corporation at its next meeting.

25. In any case in which two or more standing committees have passed conflicting decisions, and such conflict has not been adjusted or otherwise dealt with by a conference of such committees or a joint committee as provided in sub-section (4) of section 68 the Commissioner shall submit a report to the Mayor who shall place the subject before a meeting of the corporation and pending the resolution of the corporation the Commissioner shall withhold all action in regard to the matter at issue.

26. Any member of a standing committee, other than the Mayor or Deputy Mayor, who fails to attend two consecutive meetings shall cease to be a member of such standing committee but may be re-elected by the corporation.

27. Every resolution of a standing committee shall be made available to every member of the committee within fifteen days from the date of the passing of such resolution and the corporation may, on a motion by any member of the corporation modify or amend or revoke any such resolution.

* * * * *

SCHEDULE II

Essential Services

(See *sections* 2(10) *and* 93)

Class I

(*a*) Scavenging or cleansing streets or premises.

(*b*) Maintaining, repairing, cleansing or flushing drains.

(*c*) Removing or disposing of excrementition- or polluted matter from houses, prives, urinals or cesspools.

(*d*) Removing carcasses.

(*e*) Preventing nuisances generally.

Class II

(*a*) Fire bridgade service.

(*b*) Services in connection with the maintenance or service of any corporation water works, drains, pumping stations or fire hydrant, including—

(i) Inspectors,

(ii) Sub-Inspectors,

(iii) Foremen,

(iv) Mechanics,

(v) Drivers,

(vi) Watchmen,

(vii) Labourers,

(viii) Workmen.

(*c*) Lamp lighters.

SCHEDULE III

TAXATION RULES

(see *sections* 104 *and* 151)

PART I

Provisions common to taxes in general

1. (1) The Commissioner shall prepare and keep assessment books in such form and in such parts and sections as he thinks fit, showing the persons and property liable to taxation under this Act.

(2) The assessment books and where detailed particulars relating to any assessment are kept in separate records, the portion thereof containing such particulars shall be open at all reasonable times and without charge to inspection by any person who pays any tax to the corporation or his authorised agent and such person or agent shall be entitled to take extract free of charge from the said books and records.

(3) The account books of the corporation shall be open without charge to inspection by any person who pays tax to the corporation or authorised agent on a day or days in each month to be fixed by the corporation.

2. The Commissioner shall, save as otherwise provided in this Act, determine the tax to which each property or person is liable :

Porvided that in the case of taxes payable by the Commissioner the original assessment shall be made by the Mayor.

3. (1) The Commissioner shall give to every person making payment of a tax a receipt therefor signed by him or some person duly authorised by him in that behalf.

(2) Such receipt shall specify—

(*a*) the date thereof ;

(*b*) the name of the person to whom it is granted ;

(*c*) the tax in respect of which payment has been made and in the case of property tax, also the property in respect of which payment has been made ;

(*d*) the period for which payment has been made ; and

(*e*) the amount paid.

PART II

Assessment of property tax

4. The Commissioner shall enter in the assessment books the annual value of all buildings and lands and the tax payable thereon. Such books shall also record the following particulars with regard to each assessable item—

(i) the serial number, description and name (if any) of the item;

(ii) the name of the division and of the street, if any, in which it is situated, and any survey or other number which it bears;

(iii) the name of the owner;

(iv) the name of the occupier;

(v) the rateable value;

(vi) the amount of the tax payable.

5. The assessment books shall be completely revised by the Commissioner once in every five years.

6. An assessment once made shall continue in force until it is revised and until the revised assessment takes effect.

7. When assessment books have been prepared for the first time and whenever a general revision of such books has been completed, the Commissioner shall give public notice—

(*a*) specifying the time when and the place where the books may be inspected; and

(*b*) stating that revision petitions will be considered if they reach the corporation office within thirty days from the date of such notice:

Provided that in every case where there is an enhancement in the assessment, the Commissioner shall also cause intimation thereof to be given by a special notice to be served on the owner or occupier of the property concerned:

Provided further that in every case where a special notice is required to be served on the owner or occupier under the first proviso, the period of thirty days referred to in clause (*b*) shall be calculated from the date of service of such special notice.

8. The Commissioner may, after giving notice to the parties concerned and hearing their objections, if any, amend the property tax assessment books at any time between one general revision and another by inserting therein or removing therefrom any property or by altering the valuation of any property or the amount of tax. Such amendment shall be deemed to have taken effect on the first day of the half-year in which it is made :

Provided that when the amendment is made in any half-year after the demand notice for that half-year has been issued, it shall have effect only from the succeeding half-year.

9. In every case in which between one general revision and another, Commissioner assesses any property for the first time or increases the assessment on any property otherwise than in consequence of a general enhancement of the rate at which the property tax is leviable, the Commissioner shall intimate by a special notice to the owner or occupier of such property that a petition for revising the assessment will be considered if it reaches the corporation office within thirty days from the date of service of such notice.

10. Any person may, at any time, not being less than thirty days before the end of a half-year, move the Commissioner by revision petition to reduce the tax to which he is liable for the forthcoming half-year on the ground that the property in respect of which the tax is imposed has decreased since the assessment of the property was last made or revised.

11. No petition under rules 7, 9 or 10 shall be disposed of unless the petitioner has been given a reasonable opportunity to appear either in person or by authorised agent and to represent his case.

12. Immediately after the disposal of a revision petition, the Commissioner shall inform the petitioner of his authorised agent, in writing of the orders passed thereon and shall direct him to pay the amount fixed on revision within fifteen days after the date of receipt of such intimation or if the amount is not already due, within fifteen days from the date on which it becomes due and shall, if necessary, cause the assessment books to be corrected.

13. (1) A general revision shall be deemed to have taken effect on the first day of the half-year following that in which the notice under rule 7 is published or in a case where a special notice is required to be served on the owner or occupier of the property under the first proviso to that rule, on the first day of half-year following that in which such special notice is served on the owner or occupier of the property.

(2) Any correction in the assessment books made by the commissioner under rule 12 or rule 24 shall be deemed to have effect on the first day of the half-year to which the assessment which was appealed against relates.

Explanation.—The levy of a new class of property tax or an enhancement in the rate at which any class of property tax is leviable is no amendment or revision within the meaning of this rule and shall have effect from the day fixed for the levy or enhancement.

14. The first payment of tax shall, save as provided in rule 12, be made within sixty days of the day specified in rule 13.

Revision of Assessment

15. Any assessee who is dissatisfied with the assesment of any tax under this Act other than the property tax, may make an application in writing to the Commissioner for the revision of such assessment stating the grounds of his objection thereto.

16. No application for revision under rule 15 shall be admitted,—

(a) unless the application has reached the corporation office in the case of profession tax, within fifteen days from the date of service of the notice prescribed by section 120 and in the case of any other tax within seven days from the date of demand provided that the commissioner may, if he thinks fit, extend the period within which notice of objection should be delivered to a period not exceeding one month ; and

(b) unless the tax based on the assessment prevaling in the year previous to the year in question was paid before making the application.

Explanation.—The preferring or pendency of an application for the revision of the assessment of any tax shall not—

(a) bar the collection thereof; or

(b) operate as a stay of proceedings to enforce payment of the same.

17. (1) All such application and all petitions under rules 7, 9 or 10 shall be entered in a register to be maintained forthe purpose; and on receipt of any application or petition, notice shall be given to the applicant or petitioner of a time and place at which his application or petition will be considered.

(2) At the said time and place the Commissioner shall hear the objection in the presence of the objector or his agent if he appears or may for reasonable cause adjourn the investigation.

(3) When the objection has been determined the order passed shall be recorded in the register together with the date of such order and communicated to the objector or his agent by registered post.

18. When an objector is dissatisfied with the order passed by the Commissioner under sub-rule (3) of rule 17 he may within fifteen days from the date on which such order was sent by post appeal against it to a committee called the Taxation Appeals Committee consisting of three members of the corporation elected by it, the chairman of which committee will also be elected.

The Taxation Appeals Committee shall have all the powers of a standing committee under sub-section (1) and (2) of section 75 shall apply to requisitions made by the Taxation Appeals Committee as if it were a standing committee.

19. (1) The Divisional Commissioner of the revenue Division having jurisdiction may, *suo motu* or otherwise, call for and examine the record of any proceeding relating to assessment of any tax under this Act and these rules by the Commissioner or the Taxation Appeals Committee, and if he consider that any order or decision therein is erroneous in so far as it is prejudicial to the interests of the revenues of the corporation, he may after giving the assessee an opportunity of

being heard and after making or causing to be made such inquiry as he deems necessary pass such order thereon as the circumstances of the case justify including an order enhancing the assessment of any tax.

(2) For purposes of sub-rule (1), the Divisional Commissioner shall have all the powers of the Government under section 95.

20. (a) An appeal shall lie to the District Court, having jurisdiction against any decision of the Taxation Appeals Committee constituted under rule 18 or any order of the Divisional Commissioner under rule 19 but no such appeal shall be heard by the said court, unless the petition of appeal has been presented within thirty days from the date of such decision or order, as the case may be, and the tax has been paid within the said period.

Explanation.—In the case of a tax leviable by half-yearly instalments the requirements of this clause as to payment of tax shall be deemed to have been satisfied if the half-yearly instalment due under the order appealed against has been paid.

(b) The court may for sufficient cause excuse delay in the presentation of an appeal.

(c) The provisions of the Limitation Act, 1963 (Central Act 36 of 1963) relating to appeal shall apply to every appeal preferred under this rule.

21. The court may direct who shall bear the costs of an appeal under the above rule.

22. The District Court having jurisdiction may, if it thinks fit, state a case on any apeal for the decision of the High Court and shall do so whenever a question of law is involved, if either the Commissioner or the appeallant applies in writing in that behalf within fifteen days from the decision of the District Court and deposits such sum as the District Court thinks necessary to defray the cost of the reference

23. (a) The High Court may pass such order as it thinks fit on a reference under rule 22.

(*b*) Upon production of a copy of the order passed under clause (*a*) the District Court shall proceed tot dispose of the case in conformity with the terms of the order, and may direct who shall bear the costs of the appeals and reference.

24. The assessment books maintained by the Commissioner shall be corrected in accordance with the decision of the Taxation Appeals Committee or where there is an appeal to the District Court, in accordance with its judgment under rule 20 or sub-rule (b) of rule 23, as the case may be, and in the event of the amount of any tax being reduced or remitted by the said committee or court, the Commissioner shall grant a refund accordingly.

25. Subject to any order of the District Court or the Divisional Commissioner or the decision of the Taxation Appeals Committee or the orders passed by the Commissioner, the assessment or demand of any tax shall be final :

Provided that where any assessment or demand is not in accordance with the assessment books, nothing in this rule shall be deemed to prohibit a fresh assessment or demand of the tax being made in accordance therewith.

PART III

Collection of Taxes

26. (1) Where any tax, not being a tax in respect of which a notice has to be served under section 120 or section 125 or a direction has to be given under rule 12, is due from any person the Commissioner shall cause to be served upon or sent to such person a bill for the sum due before proceeding to enforce provisions of rule 27 :

Provided that this sub-rule shall not be applicable in respect of property tax payable under section 113.

(2) A notice under section 120 or section 125 and a bill under sub-rule (1) shall be signed by the Commissioner and shall contain—

(a) a statement of the period and a description of the occupation, property or thing for which the tax is charged and other particulars of the demand, and

(b) notice of the liability which may be incurred in default of payment.

27. (1) If the amount due on account of any tax is not paid within fifteen days from the service of the notice or bill or the giving of the direction referred to in section 120 or section 125 or rule 12 or rule 26 or within thirty days after the commencement of the half-year under section 113 and if the person from whom the tax is due has not shown cause to the satisfication of the Commissioner why it should not be paid the Commissioner may recover by distraint under his warrant and sale of the movable property of the defaulter or if the defaulter is the occupier of any building or land in respect of which a tax is due, by distress and sale of any movable property which may be found in or on such building or land, the amount due on account of the tax together with the warrant fee and distraint fee and with such further sums as will satisfy the probable charges, that will be incurred in connection with the detention and of the sale of property so distrained :

Provided always that movable property described in the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1908 (Central Act, 5 of 1908), shall not be liable to distraint.

(2) If for any reason the distraint, or a sufficient distraint of the defaulter's property cannot be effected, the Commissioner may prosecute the defaulter before a magistrate.

(3) Nothing herein contained shall preclude the corporation from suing in a Civil Court for the recovery of any tax, duty or other amount due to it under this Act.

28. Under a special order in writing of the Commissioner or any officer charged with the execution of a warrant of distress may, between sunrise and sunset, break upon any outer or inner door or window of a building in order to make the distress, if he has reasonable ground for believing that such building contains property which is liable to seizure and if, after notifying his authority and purpose, and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that such officer, shall not enter or break open the door of any apartment appropriated to women until he has given three hours' notice of his intention and has given such women an opportunity to withdraw.

29. The officer charged with the execution of a warrant, shall, before making a distraint, demand payment of the tax due and the warrant fee. If the tax and fee are paid no distraint shall be made, but if the tax or fee is not paid, the officer shall—

(*a*) seize such movable property of the defaulter as he may think necessary ;

(*b*) make an inventory of the property seized ; and

(c) give to the person in possession of the property seized at the time of seizure a copy of the inventory and the notice of sale :

Provided that a period of seven days shall be allowed for paying the amounts due and redeeming the property seized.

30. The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal to the value of the tax due by the defaulter, together with all expenses incidental to the warrant, distraint, detention and sale.

31. (1) If the amount due by the defaulter on account of the tax, warrant, fee and distraint fee and the expenses incidental to the detention of the property are not paid within the period of seven days mentioned in the notice given under rule 29 and if the distraint warrant is not suspended by the Commissioner, the property seized or a sufficient portion thereof, shall be sold by public auction under the orders of the Commissioner who shall apply the proceeds of the sale to the payment of the amount due on account of the tax, the warrant fee and the distraint fee and the expenses incidental to the detention and sale of the property, and shall return to the person in whose possession the property was at the time of seizure any property which may remain after the sale and the application of the proceeds thereof as aforesaid if application is made by such person within three years from the date of the sale. If no such application is made, the property so remaining shall be forfeited to the corporation. If the proceeds of the sale are insufficient for the payment of the amount due on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention and sale of the property, the Commissioner may again proceed under rules 27 and 28 in respect of the sum remaining unpaid.

(2) When the property seized is perishable or subject to speedy and natural decay or if the expense of keeping it well, together with the amount of tax due, exceed the value of the property, the Commissioner may sell it any time before the expiry of the said period of seven days unless the amount due is sooner paid.

(3) The Commissioner shall consider any objections to the distraint of any property which are made within the said period of seven days and may postpone the sale pending investigation thereof. If the Commissioner decides that the property attached was not liable to distraint, he shall return it, or if it has already been sold, the proceeds of the sale to the person appearing to be entitled there to and may again proceed under rules 27 and 28; and all fees and expenses connected with the first distraint and sale shall be recoverable from the defaulter if it shall appear to the Commissioner that he wilfully permitted the distraint of the property when to his knowledge it was not liable to distraint.

32. (*a*) Fees shall be levied on distrants under this Act with reference to the amount due for which the distraint is made and according to the rates specified in the following table :—

Sum distrained for	*Fees*
	Rs. p.
Under ont rupee ..	Twenty five paise
One rupee and over but under five rupees.	Fifty paise
Five rupees and over but under ten rupees.	One rupee
Ten rupees and over but under fifteen rupees ..	One rupee and fifty paise
Fifteen rupees and over, but under twenty rupees	Two rupees
Twenty rupees and over, but under twenty-five rupees	Two rupees and fifty paise
Twenty-five rupees and over, but under thirty rupees	Three rupees
hirty rupees and over, but under thirty-five rupees	Three rupees and fifty paise
Thirty-five rupees and over, but under forty rupees	Four rupees
Forty rupees and over, but under forty-five rupees ..	Four rupees and fifty paise
Forty-five rupees and over, but under fifty rupees ..	Five rupees
Fifty rupees and over, but under sixty rupees ..	Six rupees
Sixty rupees and over, but under eighty rupees ..	Seven rupees and fifty paise
Eighty rupees and over but under one hundred rupees	Nine rupees
One hundred rupees and over ..	Ten rupees

(*b*) Such fees shall include all expenses except—

(i) the cost of maintaining any live-stock or the expenses incidental to the detention of the distrained property; and

(ii) the charge payable on account of staff kept in charge of the distrained property, namely, fifty paise daily for each member five staff.

33 (*a*) The movable property of a defaulter may be distrained wherever it may be found within the State of Karnataka.

(*b*) If it is necessary to distrain property outside the limits of the city, the Commissioner shall address his warrant to such public servant having local Jurisdiction as the Government may by general or special order direct -

(*c*) Such public servant shall execute the warrant himself or cause it to be executed by some person subordinate to himself

(*d*) Subject to the modification set out in the following clauses the Provisions of rules 28 to 32 (both inclusive) shall apply to the execution of the warrant and the disposal of the sale proceeds.

(*e*) For the purpose of action under rule 28 no special order in writing of the Commissioner shall be required, but if the Public servant to whom the warrant is addressed charges any subordinate with the execution thereof, he shall furnish such subordinate with a special order in writing to that effect, and such subordinate shall then have authority to take action under the rule.

(*f*) For the purpose of action under rule 31 the public servant to whom the warrant is addressed may, without further orders from the Commissioner, sell or direct the sale of the property seized, and shall on completion of the sale transmit the proceeds to the Commissioner subject to such deduction, if any, as may be necessary to meet expenses incurred locally.

(*g*) It shall be unlawful for such public servant himself or for any person subordinate to him to purchase directly or indirectly any property at any such sale.

34. If the tax due on account of any building or land remains unpaid in whole or in part after the expiry of the period specified in section 119 the Commissioner may if the said tax has remained unpaid for more than twelve months require the occupier for the time being of such building or land to pay the amount within a specified period not being less than fifteen days and if the occupier fails to comply with such requisition the Commissioner may distrain and sell any movable property found on the building or land and the provision of the foregoing rules shall *mutatis mutandis* apply to all distraints and sales effected under this rule :

Provided that no occupier shall be liable to prosecution or to a civil suit in respect of any sum recoverable from him under this rule unless he has wilfully prevented distraint or a sufficient ditraint.

35. If any tax due from any person remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 27 and such person has left the State of Karnataka and cannot be found, the said tax such part thereof as remains unpaid together with all sums payable or connection therewith shall be recoverbale as if it were an arrear of land evenue.

36. (1) Every person who is prosecuted under sub-rule (2) of rule 27 shall be liable on proof to the satisfaction of the magistrate that he wilfully omitted to pay the amount due by him, pay a fine not exceeding twice the amount which may be due by him on account of—

(*a*) the tax and the warrant fee, if any, and

(*b*) if distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained.

(2) Whenever any person is convicted of an offence under sub-rule (1) the magistrate shall in addition to any fine which may be imposed recover summarily and pay over the corporation, the amount under the heads specified in clauses (*a*) and (*b*) of sub-rule (1), and may in his discretion also recover summarily and pay to the corporation such amount, if any, as he may fix as the costs of the prosecution.

37. Neither the Commissioner nor any corporation officer or servant hall directly or indirectly purchase any property at any sale of distrained roperty held under the foregoing rules.

38. In these rules, the expression 'tax' includes payments due by way of penalty under section 113 or by way of composition for a tax.

SCHEDULE IV

(*See section* 104)

MAXIMUM RATES OF TAX ON PROFESSION, TRADES, CALLINGS AND EMPLOYMENTS

Class I

	Yearly Rs.
Every person exercising any profession or calling or engaging in any trade or holding any office or appointment, public or private, or employed in any manner, whose income pay, salary or pension amounts to five thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to five thousand rupees a month or upwards :—	
(i) carrying on business as a company; ..	Two hundred and fifty rupees
(ii) abkari renters, wholesale and retail traders and manufacturers of every kind, contractors, auctioneers, and commission agents;	
(iii) bankers, money-lenders, money-changers and pawn brokers;	
(iv) editors and propritors of newspapers; ..	
(v) brokers and dealers in securities, shares or bills of exchange;	
(vi) practising barristers, advocates, solicitors, attorneys, pleaders, and law agents;	
(vii) practising medical practitioners of all kinds including hakims, and vaidyas; ..	
(viii) dentists and veterinary surgeons;	
(ix) architects and civil engineers;	
(x) owners and farmers of markets and tool farmers;	
(xi) keepers of hotels, lodging houses, or boarding houses;	
(xii) builders and surveyors;	

(xiii) owners of mills, warehouses, printing press, oil press s, cotton press and other press and factories of all kinds;	Two hu dred fifty rupees
(xiv) professional artists, photographers, actors and actresses and owners or managers of circuses or theatrical companies, musicians and dancers ;	
(xv) dealers in animals or vehicles and owners, or keepers of livery stables or hackney carriages;	
(xvi) artizans;	
(xvii) cinema proprietors and owners of cotton ginning factories;	
(xviii) chartered accountants, income-tax practitioners, sales-tax practitioners and insurance agents;	

Class II

Every person described in Class I whose income, pay salary or pension amounts, or whose income is estimated to amount, to four thousand rupees a month or upwards.	Two hundred rupees

Class III

Every person described in Cla·s I whose income, pay, salary or pension amounts, or whose income is estimated to amount to three thousand rupees a month or upwards.	One hundred and fifty rupees

Class IV

Every person described in Class I whose income, pay, salary or pension amounts, or whose income is estimated to amount to two thousand rupees a month or upwards.	One hundred rupees

Class V

Every person described in Class I whose income, pay, salary or pension amounts, or whose income is estimated to amount to one thousand and five hundred rupees a month or upwards.	Seventy five rupees

Class VI

Every person described in Class I whose income, pay, salary or pension amounts, or whose income is estimated to amount to one thousand rupees a month or upwards.	Fifty rupees

Class VII

Every person described in Class I whose income, pay salary or pension amounts, or whose income is estimated to amount to five hundred rupees a month or upwards.	Twenty five rupees

Class VIII

Every person described in Class I whose income, pay salary or pension amounts, or whose income is estimated to amount to three hundred rupees a month or upwards.	Fifteen rupees

Class IX

Every person described in Class I whose income, pay, salary or pension amounts, or whose income is estimated to amount to three hundred rupees a month or upwards.	Ten rupees

Provided that the annual profession tax payable by the categories of persons mentioned in column (1) of the following Table shall not be less than the amount mentioned in the corresponding entry of column (2) thereof.

TABLE

(1)	(2)
Owner of a cotton press, cotton ginning factory or cinema proprietor.	Seventy five rupees
Wholesale trader, banker, barrister, attorney, architect, civil engineer, mill owner or factory owner.	Fifty rupees
A bakari renter (other than a mere liquor shop-keeper), editor or proprietor of a news paper, broker or other dealer in securities shares or bills of exchange or a keeper of a hotel, lodging house, boarding house, medical practitioner (other than a hakim or vaidya), consist of veterinary surgeon.	Twenty five rupees
cutioner, money-lender, owner or farmer of a market, toll-farmer, builder, surveyor or owner of a warehouse or advocate or pleader.	Fifteen rupees

SCHEDULE V

(*see section* 104)

MAXIMUM RATES OF TAX ON SHOPS AND OTHER PLACES OF BUSINESS OR PROFESSION.

Items	*Class*					
	1st	2nd	3rd	4th	5th	6th
1 Shops—						
For each shop per year ..	100	80	60	40	20	10
2. Other places where business or profession is carried on.-						
For each place per year ..	50	40	30	20	10	5

SCHEDULE VI

(See sections 104 and 122)

CARRIAGES, BOATS AND ANIMALS LIABLE TO TAXATION WITH THE MAXIMUM RATES OF TAXATION

		Yearly Rs.	P.
1.	For every four-wheeled vehicle with springs constructed to be drawn by two or more horses.	20	00
2.	For every four-wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock or by two or more horses under thirteen hands, bulls or bullocks.	10	00
3.	For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks.	6	00
4.	For every other vehicle with springs and every palanquin	6	00
5.	For every cart or other vehicle without springs ..	4	00
6.	For every boat	4	00
7.	For every tricycle	3	00
8.	For every elephant	24	00
9.	For every camel	21	00
10.	For every horse over thirteen hands	10	00
11.	For every horse of or under thirteen hands	4	00
12.	For every horse of or under eleven hands and for every mule.	2	00
13.	For every bullock or bull	1	00
14.	For every male buffalo	1	00
15.	For every ass	0	59
16.	For every trailer other than those exempted from municipal tax under the Karnataka Motor Vehicles Taxation Act, 1957.	10	00

SCHEDULE VII

(See section 104)

MAXIMUM RATES OF OCTROI

	Articles	*Octroi leviable Per ten kilograms of gross weight except where otherwise stated*
	Class I Articles of food and drink	Rs. P.
1.	Refined sugar, sugar candy, boora and all kinds of sugar not in bottle.	0 20
2.	Gur, jaggery and other kinds of unrefined sugar	0 10
3.	Ghee including vegetable ghee, and admixtures of ghee, also vegetable solidified oil, dripping marvo, trex, cocogold, purico, crisco and cocogem and other edible oils not specified in any other item.	0 50
4.	Butter and cream	0 50
5.	Dried fruits, groundnut seeds and nuts excluding betel nuts.	
6.	Groundnut (unshelled)	0 02
7.	Betel nuts	0 15
8.	Fresh meat, fish and eggs	0 50
9.	Dried fish	2 00
10.	Potatoes and onions	0 02
11.	Copra	0 50
12	Uncured coffee (Cherry/Parchment) ...	0 02 per bar of fifty kilograms.
13.	Clean coffee (Powdered/Hulled)	0 30 for every fifty kilograms.
14.	Coconuts	0 50 per hundred
15.	Betel leaf	0 01 per bundle of 100 leaves
16.	Pulses	0 02
17.	Grain including parched grains	0 01

1		2
18.	Wheat four, maida flour, soji and other wheat products.	0 05
19.	Flour other than those mentioned in item 18	6 02
20.	Animalfat, tallow and oil of all kinds except oils mentioned in Class II, V and IX.	0 05
21.	Glaxo, Horlics, malted milk, biscuits, tinned meat and other foods.	Two per cent *ad valorem.*
22.	Cardamom	One per cent *ad valorem.*
23.	Coffee seed other than those mentioned in items 12 and 13, and coffee powder.	Two per cent *ad valorem.*
24.	Oranges, apples, grapes, lichi, melon (kharbooza lemon (of all kinds), pears (nashpati), plums (alucha), apricot (khubani), banana, pomegranates, sarda, water melons, custard apple, rasberry and other fruits.	One per cent *ad valorem.*
25.	Country and foreign liquors	Two per cent *ad valorem.*
26.	Bhang ...	Two per cent *ad valorem.*
27.	Tea (Indian or Foreign)	Two per cent *ad valorem.*
28.	Provisions (not included in any other class) including oil man's stores, confectionery, jams, pickles, cheese and essences of fruits.	Two per cent *ad valorem*

Class II Animals

1	Oxen, cows, buffaloes and calves (per head) ...	0 35
2.	Sheep, goats, lambs and and kids (per head)	0 10
3..	Pigs (per head)	0 35

Class III Articles used for fuel, lighting and washing

		per litre
1.	Kerosene oil	0 01
2.	Petrol	0 02
3.	Diesl oil	o 01
4.	Methylated spirit	0 03
5.	All sorts of oilseeds including cotton seeds but not including groundnut.	0 03
6.	Wax and tallow candles	Two per cent *ad valorem.*

		2
7.	Chandeliels, globes, lamps chimneys and all other articles made of glass intended for electric or gas lighting, cet,. (except electric bulbs).	Two per cent
8.	Chandeliers, globes, lamps, lanterns, electric poles, electric bulbs and all other articles made of metal intended for electric or gas lighting, etc.	Two per cent
9	Potash, soda, saltpetre, alum, salt and other saline substances.	Two per cent
10.	Soap of all kinds	Two per cent
11.	Carbide	Two per cent
12.	Fireworks and their component parts ...	Two per cent
13.	Steam coal, hot coke and hard coke ...	Two per cent
14.	Soapnut and soapnut powder	One per cent

Class IV Articles used in the construction of buildings

1.	Teak and Rosewood	
	(i) unsawn	4 00 per cubic metre
	(ii) sawn	5 00 per cubic metre
	(iii) manufactured	6 00 per cubic metre
2	Soft wood, sawn, unsawn or manufactured ...	1 00 per cubic metre
3	Wood other than Teak, Rose or soft wood but not firewood	Rs. P.
	(i) unsawn	2 00 per cubic metre
	(ii) sawn	3 00 per cubic metre
	(iii) manufactured	4 00 per cubic metre
4.	Bamboos (per hundred)	1 00
5	Stone for building (except Agra stone as defined in item 6 below, marble and lime stone),, Shahabad stones Badami stones, bajri, cuddappah slabs, ganakar, lineof kankar, coal ashes, surkhi, brick bats or broken bricks.	Two per ecnt *ad valorem*.

1		2
6.	Agra stone, i.e., stone so named in the market irrespective of its place of origin.	Two per cent *ad valorem.*
7.	Chalk, chalk powder, lime stone, lime, flooring stone and white and colcured stone chips.	0 02
8.	Dammar, bitumen and asphalt	0 02
9.	Cement (per bag)	0 05
10.	Marble and tiles of all kinds (other than those referred in item 11).	0 15
11.	Tiles of common earth, *e.g.*/Country tiles (per thousand).	0 37
12.	Marble chips	Three per cent *ad valorem*
13.	Asbestos sheets	Two per cent *ad valorem*
14.	Whole bricks of all sizes (per thousand) ...	0 50
15.	Paints and colour washes	Two per cent *ad valorem*
16.	Roofing belt, roofing board and *eanec* insulating board.	Three per cent *ad valorem*

Class V Drugs, spices and perfumes

		ad valorem
1.	All foreign medicines, including mineral waters, syrups and medicinal tinctures, soda bicarb onate and caustic soda (imported in packages or boxes), sulphur in bottles and packets, iron sulphate, barium sulphate, haemorrhagic septiciam serum, dextrosol, castor oil in bottles, potash permanganate, glucose, oxygen gas, camphor oil, sugar of milks, medicated, colcured and fragrant syrup.	Two per cent
2.	All Indian medicines including gulquand, sharbat in bottle soda bicarb onete and caustic soda (imported in bags or drums) Amritanjan, ivory dust, Sudha Sindhu 'Bal Sudha and Zandu Drakshasava.	One per cent
3.	Hair oil and perfumed oil of all kinds ...	Two per cent
4.	spices and wet imli excluding saltpetre ...	Two per cent
5.	Opium	Two per cent
6.	Charas	Two per cent

1	2
Class VI Tobacco	
1. All kinds of foreign tobacco, pipe tobacco, cigars snuff, cheroots of all kinds	Three per cent
2. Cigarettes of all kinds	Two per cent
3. Beedies of all kinds	One per cent
4. Indian tobacco 1st quality *i.e.*, all tobacco not included in items 1 and 2.	One and half per cent.
5. Indian tobacco 2nd quality	One per cent
6. Indian tobacco 3rd quality (Kanni) ...	One and a half per cent.
7. Tobacco leaves (Over ten kilograms) ...	0 20
Class VII Piecegoods and textile fabrics	
1. Unginned cotton	0 05
2. Ginned cotton	0 10
3. Cotton waste and waste yarn cotton ...	0 10
4. Raw wool, hemp and other fibres and rope ...	0 10
5. Jute gunny bags and jute cloth (per bag) ...	0 01
6. Piecegoods made of cotton, wool or any admixture of those and articles made thereof including thread and yarn dhoties, saries, dopattas pagrees, towels, bedspreads, sheets, blankets, tents, carpets, durries, pillows, razais, laces, edgings, ribbons, handkerchiefs in bales, (*i.e.*, not cut up) old clothes imported in bulk and all such as are not made up ready for wearing.	One and half per cent *ad valorem*.
7. Piecegoods made of silk and artificial silk or any admixture of those and articles made thereof including shawls, laces, edgings and ribbons.	One and half per cent.
8. Hides and skins	Two per cent
9. Cotton yarn	One and half per cent *ad valorem*

10.	Raw silk and artificial silk	Two per cent *ad valorem*
11.	Jute cloth	One per cent *ad valorem*
12.	Leather, including harness, saddles, bags, boxes, desishoes, chappals and all other articles made of leather excluding boots, shoes, slippers and sandals.	Two per cent *ad valorem*
13.	Apparel, boots and shoes including slippers and sandals (other than desi shoes and chappals) drapery millinery, caps and hats ready made clothes, barret caps and that shapes, etc.	Two per cent *ad valorem*
14.	Hosiery including knitted woollen caps ...	Two per cent *ad valorem*
15.	Lametta including kinari, gota, gold and silver lace, wire and thread real or imitation.	Two per cent *ad valorem*

Class VIII Metals and articles made of metals

1.	Metals (iron and steel-wrought and unwrought) including bars, sheets, girders, iron, stanchions, top columns, girder fitted with rivets, metallic ores and sctap iron.	Two per cent *ad valorem*
2.	Tin scrap	Two per cent *ad valorem*
3.	Metals (hard ware an cutlery), *i.e.*, knives, razors, sissors, needles, tin plates, rivets, nails, crews, bolts, nuts, enamelled wire(other than sanitary fittings) wire, wire nettings, hinges, locks, pipes, post and pans, weights, empty tins, iron and tin boxes and iron furniure, etc.	Two per cent *ad valorem*
4.	Metals(all other kinds manufactured and vn-anufactured) including bicycles, perambvlars, carriages, sewing machines, harmo-	Two per cent *ad valorem*

1	2

niums, typewriters, ice-machines, sodawater machines, clocks and watches, spectacles . their cases and frames, umbrella frames and handles, brass, copper, german silver, aluminium, bronze, zinc, and articles made thereof, channels of all kinds and for whatever purpose imported sanitary fittings iron washers, bicycles, saddles and radio goods.

N.B Sanitary fittings include baths, water closets lavatory basins, bidets (tubs), urinals flushing cisterns, sinks and water taps.

5. Motor cars not registered under the Motor Vehicles Act 1939

(*a*) 2 seaters (each)	15	00
(*b*) 4 or more seater (3 each)	30	00

6. Chassis and lorries not registered under the Motor Vehicles Act 1939

(*a*) without body (each) ...	25	00
(*b*) with body each)	30	00

7. Component parts of motor cars 0 75

8. Old component parts of motor vehicles ... 0 25

9. Stoppers made of metal 0 37

10. Complete motor cycle not registered under the Motor Vehicles Act, 1939 without side car (each). 4 00

11. Motor cycle not registered under the Motor Vehicles Act, 1939 with side car (each). 5 00

1	2
Class IX Miscellaneous	
1. Dyes and tans including green coloured sand (for mixing with mehandi), boot polishes, indigo safflower (kusum) and all knids of colouring matter.	Two per cent *ad valorem*
2. Stationery including paper, paste boards and all articles made thereof including waste papers, cards, cardboards, forms, envelopes, calendars, inks, pens, pencils, ink-pots, inkstands, takhits, pincushions, nibs, holders, pins, pads; drawing instruments, paperweights, rulers, measuring tapes, slates manufactured or unmanufactured, strawboard, gelatine paper, account books, ledger and cash books.	Two per cent *ad valorem*
3. Chemicals (excepts those chargeable unde any other class) distilled water and sulphur in in casks or barrels or bags.	Two per cent *ad valorem*
4. Horn and articles made of horn except buttons	Two per cent *ad valorem*
5. Lac and cork and articles made thereof	Two per cent *ad valorem*
6. Kikar bark and other bark including bark dust	Two per cent *ad valorem*
7. Wood (manufactured) such as walking sticks, empty barrels, country carts, umbrella sticks ofcaneorbamboo(manufactured or unmanufactured), wooden pays and pattis.	Two per cent *ad valorem*
8. Furniture other than iron furniture	Two per cent *ad valorem*
9. Articles of sports and games including playing cards.	Two per cent *ad valorem*
10. Goods imported by circus, theatres, carnivals, etc.	Two per cent *ad valorem*

	1	2
11	Glass and articles made thereof (except glass tiles, empty glass phials having lids, glass beads and other imitation jewels).	Two per cent *ad valorem*
12.	Articles made of china stone, earth (glazed or unglazed) including drain pipes and drain fitting, but excluding sanitary fittings, earthen tiles and toys made of china clay or earth.	Two per cent *ad valorem*
13.	Empty glass phials having lids ...	Two per cent *ad valorem*
14.	Celluloid goods including celluloid sheets and imitation mother pearl sheets.	Two per cent *ad valorem*
15.	Nut shell, horn and ivory buttons ...	Two per cent *ad valorem*
16	Glass beads and other imitation jewels ...	One per cent *af valorem*
17.	Toilet powder and cosmetic creams including tooth pastes, powders and creams.	Two per cent *ad valorem*
18.	Ivory and articles made thereof	Two per cent *ad valorem*
19.	Rubber goods including rubber gloves and bakelite goods.	One per cent *ad valorem*
20.	Disinfectants dry or liquid including Flit, Crosote, shell box and naphthalene ball.	Two per cent *ad valorem*
21.	Lubricating oil (per litre)	0 03
22.	Grease	Two per cent *ad valorem*
23.	Photographic accessories including pictures, photos and printed pictures.	Two per cent *ad valorem*
24.	Coir matting	One per cent *ad valorem*
25.	Toys made of celluloid	One per cent *ad valorem*
26.	Toys made china clay or earth	One per cent *ad valorem*

1		2
27.	Toys made of cotton, rubber, paper, wood and Metals.	One per cent *ad valorem*
28	All kinds of cinema carbons	Two per cent *ad valorem*
29.	Vaseline, Vaseline pomade, petroleum jelly or amber petroleum (grease) and Brilliantine.	Two per cent *ad valorem*
30.	Safety fuses and cartridges	Two per cent *ad valorem*
31.	Match boxes	0 10 (per gross)
32.	Oats	One per cent *ad valorem*
33.	Bran, oil cakes and oil feed	One per cent *ad valorem*
34.	Chaff	One per cent *ad valorem*
35.	Musical goods ...	Two per cent *ad valorem*
36.	Porcelain articles and china cups, etc. ...	Two per cent
37.	Bakelite and plastic materials	Two per cent *ad valorem*
38.	Camaras	Two per cent *ad valorem*
39.	Photo frames and plates	Two per cent *ad valorem*
40.	Optical glass and frames	Two per cent *ad valorem*
41.	Groundnut shell	One per cent *ad valorem*
42.	Tamarind seeds	One per cent *ad valorem*
43.	Other articles not chargeable under any of the above items and which may be approved by the Government by notification in respect of all corporation or any corporation as may be specified in such notification.	Two per cent *ad valorem*

SCHEDULE VIII

(See section 104)

MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE CORPORATION LIMITS

		Yearly Rs. P.
	Goods, vehicle or stage carriage as defined in the Motor Vehicles Act, 1939 (Central Act IV of 1939) other than those exempted from municipal toll under the Karnataka Motor Vehicles Taxation Act, 1957.	Two rupees
2.	Motor cab as defined in the Motor Vehicles Act, 1939 (Central Act IV of 1939) other than those exempted from Municipal toll under the Karnataka Mtor Vehicles Taxation Act, 1957.	Two rupees
3.	Trailer attached to goods-vehicle other than those exempted from municipal toll under the Karnataka Motor Vehicles Taxation Act, 1957.	One rupee
4.	On every four-wheeled carriage	Fifty paise
5.	On every two-wheeled carriage on springs other than jutka.	Twenty-five paise
6.	On every jutka laden	Fifteen paise.
7.	One every jutka unladen	Ten paise
8.	On every other vehicle with springs including a tri-cycle or bicycle.	Fifteen paise.
9.	On every cart or other vehicle not on springs drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden.	Twoenty five paise.
10.	On every cart or other vehicle not on springs drawn by two buffaloes, bullocks, horses, ponies, asses or mules if not laden.	Fifteen paise.
11.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden or	Fifteen paise.
12.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule if not laden.	Ten paise

SCHEDULE IX

(See section 104)

TAX ON ADVERTISEMENTS

Sl. No.	Particulars	Maximum amount of tax per annum
1	2	3
1.	Non-illuminated advertisements on land, building, wall, roadings name post, structures, etc.	Rs.
	(a) For a space up to 1 sq. m.	10
	(b) For a space over 1 sq. m. and up to 2.5 sq. ...	16
	(c) For every additional 2.5 sq. m. or less ...	16
2.	Non-illuminated advertisements carried on vehicles drawn by bullocks, horses or other animals, human beings, cycle or any other device carried on any vehicle—	
	(a) For a space up to 5 sq. m.	60
	(b) For every addition 5 sq. m. or less	60
3.	Illuminated advertisement boards carried on vehicles	
	(a) For a space up to 5 sq. m.	75
	(b) For very additional 1 sq. m. or less	15
4.	Non-illuminated advertisement boards, carried by switch boardmen.—	
	(a) For each board not exceeding 1 sq. m. ...	15
	(b) For each board exceeding 1 sq. m. and up to 2.5 sq. m.	30
	(c) For each additional 1 sq. m. in area or less ...	15
5.	Illuminated advertisement boards carried by switch boardmen.	
	For each board not exceeding 1 sq. m. ...	30
	(b) For each board exceeding 1 sq. m. and up to 2.5 sq. m.	50
	(c) For each additional 1 sq. m. in area or less ...	30

1	2	3
6.	Illuminated advertisments on land, building, wall or boardings, frame, post structures, etc.	
	(*a*) For a space up to 2 sq. m.	15
	(*b*) For a space over 2 sq. m. and up to 5 sq. m. ...	30
	(*c*) For a space over 5 sq. m. and up to 2.5 sq. m. ...	35
	(*d*) For every additional 2.5 sq. m. or less ...	25
7.	Advertisements exhibited on screens in cinema houses and other public places by means of lantern slides or similar devices	
	(*a*) For a space up to 5 sq. m.	50
	(*b*) For a space over 5 sq. m. and up to 2.5 sq. m. ...	55
	(*c*) For every additional 2.5 sq. m. or less ...	55
8.	Non-illuminated advertisements suspended across streets	
	(*a*) For a space up to 1 sq. m.	10
	(*b*) For a space over 1 sq. m. and up to 2.5 sq. m. ...	16
	(*c*) For every additional 2.5 sq. m. or less ...	16
N.B.	The tax on item 8 will be in addition to the space which will be chargeable according to the scale to be determined by the Commissioner.	
9.	Non-illuminated advertisements bording standing blank but bearing the name of the advertiser or with the announcement "To be let" displayed thereon	
	(*a*) For a space up to 1 sq. m.	5
	(*b*) For a space over 1 sq. m. and up to 2.5 sq. m. ...	8
	(*c*) For every additional 2.5 sq. m. or less ...	8
10.	Permission to auctioneers to put up not more than two boards of reasonable size advertising each auction sale, other than those in the premises where the auction is held one on a prominent site in the locality and one on corporation lamp post.	100 (including the rent for exhibiting the board on corporation lamp post).

SCHEDULE X

FINANCIAL RULES

(*See* section 155)

PART I

Authorised expenditure and investment of corporation fund and manner of payment from the fund

1. The purposes to which the corporation fund may be applied include all objects expressly declared obligatory or discretionary by this Act and in general everything necessary for or conducive to the safety, health, convenience or education of the citizens of or to the amenities of the city and everything incidental to the administration and the fund shall be applicable thereto within the city subject to these rules and such further rules or special orders as the Government may prescribe or issue: and shall be applicable thereto outside the city if the expenditure is authorised by this Act or specially sanctioned by the Government.

2. The items of expenditure incidental to the administration include,—

(*a*) the provision and maintenance of a principal corporation office and record room and of other offices with the cost of appurtenances and fittings and insurance;

(*b*) salaries, allowances, liveries, pensionary and provident fund contributions, gratuities and pensions and the cost or hire of vehicles for the commissioner and the corporation officers and servants, study leave allowances of professional officers and subordinates; sending corporation servants to any hospital or institute for treatment; the purchase of provisions and other necessaries for sale to corporation subordinates.

Explanation.—'Salary' for the purpose of this rule shall include the privilege if any, granted by the corporation of receiving payments in kind in lieu of the whole or a portion of the salary by purchasing articles from the corporation at such prices as the corporation may fix from time to time;

(*c*) stationery, printing and all office and advertising expenses including the cost of reporting the discussions of the corporation ;

(*d*) legal expenses ;

(*e*) election expenses ;

(*f*) auditor's fees ;

(*g*) the provision and maintenance of corporation workshops ;

(*h*) corporation surveys, the preparation of maps of the city and of proposed extensions ;

(*i*) the preparation and maintenance of record of rights in immovable property ;

(*j*) the acquisition of land for all or any of the purposes of the Act.

3. All moneys received by the corporation shall be lodged in such bank or treasury as the Government may by order direct and shall be credited to an account entitled the 'Corporation Fund Account' :

Provided that any such moneys may, with the sanction of the Government—

(i) be invested in any of the securities which may be approved by the Government or

(ii) be placed on a fixed deposit in any bank approved by the Government.

4. (1) All orders or cheques against the corporation fund shall be signed by the Commissioner or in his absence by the revenue officer, and the bank or treasury in which the fund is lodged shall so far as the funds to the credit of the corporation admit, pay all orders or cheques against the fund which are so signed.

(2) If the corporation shall have given previous authority in writing such bank or treasury may at once pay out of the corporation fund without such orders or cheques any expense which the Government have incurred on behalf of the corporation.

5. The payment of any sum out of corporation fund may be made or authorised by the Commissioner if such sum is covered by a budget grant and sufficient balance of such budget grant is available.

6. The payment of any sum out of the corporation fund may be made or authorised by the Commissioner in the absence of budget provision in the case of—

(*a*) refunds of taxes and other moneys authorised by law, rule, bye-law or regulation;

(*b*) repayments of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the corporation fund by mistake;

(*c*) costs incurred by the Commissioner in the exercise of his powers under clause (*b*) of sub-section (1) of section 65

(*d*) sums payable under sections 98 and 169;

(*e*) sums payable under a decree or order of a civil court passed against the corporation or under a compromise of any suit or legal proceeding or claim;

(*f*) any sum which the Commissioner is required by law, rule or bye-law to pay by way of compensation or expenses;

(*g*) the salary payable to a special health officer appointed under section 86;

(*h*) expenses incurred by the Commissioner under section 411 and expenses lawfully incurred in anticipation of recoupment from a person liable under **any provision of law**;

Provided that the Commissioner shall forthwith communicate the circumstances to the standing committee which shall take any action that may in the circumstances be necessary or expedient to cover any expenditure not covered by a budget grant.

7. The Commissioner shall not overdraw.

PART II

Audit, surcharge and disallowances

8. The corporation chief auditor appointed under section 154 hereinafter referred to as the auditor shall maintain and keep a continuous audit of the corporation accounts.

9. (1) The commissioner shall submit all accounts to the auditor as required by them.

(2) The commissioner shall make ready the annual accounts and registers and produce them before the auditor for scrutiny not later than the first day of October in the year succeeding that to which such account and registers relate.

10. (1) The auditor may,—

(a) require in writing the production of such vouchers, statements, returns, correspondence, notes or other documents in relation to the accounts as he may think fit;

(b) require in writing any salaried servant of the corporation accountable for, or having the custody or control of such voucher, statements, returns, correspondence, notes or other documents or of any property of the corporation or any person having directly or indirectely by him if or his partner, any share or interest in any contract with or under the corporation to appear in person before him at his office and answer any question;

(c) in the event of an explanation being required from a member of a corporation in writing invite such person to meet him at his office and shall in writings specify the point on which his explacommence the audit :

(2) The auditor may, in any requisition or invitation made under this rule fix a reasonable period, not being less than three days within which the said requisition or invitation shall be complied with.

(3) The auditor shall give to the corporation not less than two weeks' notice in writing of the date on which he proposes to commence the audit;

Provided that, notwithstanding anything contained in this subrule the auditor may, for special reasons which shall be recorded in writing, give shorter notice than two weeks or commence a special or detailed audit without giving notice.

11. The auditor shall include in his report a statement of,—

(a) every payment which appears to him to be contrary to law;

(*b*) the amount of any deficiency or loss which appears to have been caused by the gross negligence or misconduct of any person.

(*c*) the amount of any sum received which ought to have been but is not brought into account by any person; and

(*d*) any material impropriety or irregularity which he may observe in the accounts other than those mentioned in clauses (*a*), (*b*) and (*c*)

12. The auditor shall submit to the standing committee for taxation and finance a final statement of the audit and duplicate copy thereof to the Government within a period of three months from the end of the financial year, or within such other period as the Government may notify.

13. (1) The standing committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditor and report the same to the corporation.

(2) The corporation shall submit its remarks on the audit report, if any, to the Government through the Controller, State Accounts Department within six months after the receipt of the report by the corporaion.

14. (1) The auditor may disallow every item contrary to law and surcharge the same on the person making or authorising the making of the illegal payment; and may charge against any person responsible thereof the amount of any deficiency or loss incurred by the wilful negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.

(2) The auditor shall state in writing the reasons for his decision in respect of every disallowance, surcharge or charge and furnish by registered post a copy thereof to the person against whom it is made.

(3) If the person to whom a copy of the auditor's decision is so furnished refuses to receive it, he shall nevertheless be deemed to have been duly furnished with a copy of such decision within the meaning of sub-rule (2). The period of fourteen days fixed in rules 15 and 16 shall be calculated from the date of such refusal.

15. Any person aggrieved by disallowance, surcharge or charge made may, within fourteen days after he has received or been served with the decision of the auditor, either,

(*a*) apply to the District Court, to set aside such disallowance, surcharge or charge and the Court, after taking such evidence as is necessary may confirm, modify or remit such disallowance, surcharge or charge with such orders as to costs as it may think proper in the circumstances, or

(*b*) in lieu of such application, appeal to the Government who shall pass such orders as it thinks fit.

16. Every sum certified to be due from any person by the auditor under this Act shall be paid by such person to the Commissioner within fourteen days after the intimation to him of the decision of the auditor unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable on an application made by the Commissioner to the court in the same way as an amount decreed by the court.

PART III

Form of accounts

17. The corporation shall make regulations to provide for—

(*a*) the form in which the budget estimates, budget statements and returns of the corporation shall be kept, and

(*b*) the form in which the accounts of the corporation shall be kept.

SCHEDULE XI

Purposes for which premises may not under section 358 be used without a licence

(*See* section 358)

Aerated waters—Manufacturing.

Ammunition—Storing, packing, pressing, cleansing, preparing or manufcaturing by any process whatever.

Articles made of floor—Baking, preparing keeping or storing for human consumption (for other than domestic use).

Ashes—Storing, paking, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting.

Biscuits—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Blood—Storing, packing, pressing, cleansing, preparaing or manufacturing by any process whatever.

Bones—Storing, packing, pressing, cleansing, preparaing or manufacturing by any process whatever.

Bread—Baking, preparaing, keeping or storing for human consumption (for other than domestic use).

Cotton, cotton refuse—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Dyes—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Explosive—Storing.

Fat—Storing, packing, pressing cleaning preparing or manufacturing by any process whatever.

Firewood—Selling or storing.

Fireworks—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish Oil—Storing, packing, pressing cleansing, preparing, or manufacturing by any process whatever.

Flax—Scoring, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fleshings—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flour—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fuel—Using for any industrial purpose.

Fulminate of mercury—Storing, packing, pressing, cleansing, preaparing or manufacturing by any process whatever.

Gas—Storing, packing, pressing, cleansing preparing or manufacturing by any process whatever.

Gold—Refining.

Gram—Husking by machinery.

Gun cotton—Storing, packing, pressing, cleansing, preparing or by any process whatever.

Gun powder—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bricks—Manufacturing.

Camphor—Storing, packing, pressing, cleansing, preparing or manufacturing by process whatever or boiling.

Candles—Packing, pressing, cleansing, preparing or manufacturing, by any process whatever.

Carpets—Manufacturing.

Catgut—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cement—Packing, pressing, cleansing, preparing or manufacturing, by any process whatever.

Charcoal—Dumping, sifting, or storing.

Chemical preparations—Storing, packing, pressing, cleansing preparing or manufacturing by any process whatever.

Chillies—Grinding by mahinery.

Chlorate mixture—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cinders—Storing, packing, pressing, cleansing, preparing or manufecturing by any process whatever dumping or sifting.

Cloths—Dyeing.

Coal—Dumping, sifting, selling or storing.

Coconut fibre—Storing packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Combustible material—Storing.

Combustibles—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Confectionery—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Nitro-glycerine—Storing, packing, pressing, clensing, preparing or manufacturing by any process whatever.

Nitro-mixture—Storing, packing, pressing, clensing preparing or manufacturing by any process whatever.

Nitro-mixture—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Offal—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Oil—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Paddy—Boiling or husking by machinery.

Paper—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Petroleum products—Storing, packing, pressing, clensing, preparing or manufacturing by any process whatever in quantities not exceeding six gallons, provided that no licence shall be required for storing petroleum in accordance with the provisions of the Petroleum Act, 1934 (Central Act, XXX of 1934), or the rules issued issued or the notifications published under that Act.

Saltpetre—Storing, packing, pressing, clensing, preparing or manuturing by any process whatever.

Pottery—Manufacturing by any process whatever.

Resin (*including rosin*)—Storing, packing, pressing, cleansing, preparing or manufacturing by any pocess whatever.

Saltpetre—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Seegekai—Powdering by machinery.

Shellar—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Soap—Manufacturing by any process whatever.

Spirit—Manufacturing by any process whatever.

Sulphur—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Tallow—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Tar—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Thatching materials—Selling or storing.

Tiles—Manufacturing.

Timber—Selling or storing.

Tobacco (*including snuff, sigars, cigarettes and beedies*)—Storing, pressing, cleansing, preparing or manufacturing by any process whatever.

Turpentine—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process, whatever.

Wool—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Yarn—Dyeing.

Provided that no licence shall be required for the storage only of any of the articles mentioned in this Schedule or for boiling paddy when such storage or boiling if for domestic use and limited to such quantities as may from time to time be fixed by the Commissioner.

Gilding or electro-plating.

Keeping a shaving or hair-dressing saloon.

Keeping together pigs, or twenty or more sheep or goats or ten or more heads of cattle.

Manufacturing articles from which offensive or unwholesome smells, fumes, dust or noise arise.

SCHEDUPE XII

Ordinary Penalties

(*See* section 436)

Section or rule	*Sub-section or clause*	*Subject*	*Fine which may be imposed*
(1)		(2)	(3)
			Rs.
31	(1)	Interested councillor voting or taking part in discussion.	Two hundre rupees.
115	(1)and(3)	Failure to give notice of transfer of title or to produce documents.	Fifty rupees
121	...	Failure of owner or occupier to or employers or their represetatives comply with requisition to furnish list of per sons carrying on profession etc.	One hundred rupees
192	...	Tresspassing on premises connected with water supply.	Fifty rupees
194	...	Failure to maintain house connections in conformity with bye-laws	Fifty rupees
196	(2)	Occupying or allowing occupation of house without proper water supply.	Fifty rupees
196	(3)	Falure to comply with requisition to make house connection.	Fifty rupees
198	...	Use for non-domestic purposes of water supplied for domestic purposes.	One hundred rupees
213	...	Waste or misuse of water	Fifty rupees
214	...	Refusal of admittance, etc. ...	One hundred rupees.
216	(1)	Laying of water pipes, etc., in a position where the same may be injured or water therein polluted.	One hundred rupees
223	(1)	Execution of work by a person otner than a licensed plumber.	Two hundred rupees

(1)		(2)	(3)
223	(2)	Failure to furnish when required name of licensed plumber employed.	One hundred rupees
223	(6)	Licensed plumber not to demand more than the charges prescribed.	One hundred rupees
223	(8)	Licensed plumbers not to contravene regulation or execute work carelessly or negligently etc.	One hundred rupees
224	...	Prohibition of wilful or neglectful acts relating to water works.	One hundred rupees
228		Flow of contents of Corporation sewers or drains or sewers communicating with corporation sewers.	One hundred rupees
229	(2)	Private drain not to be connected with corporation sewers without notice.	Fifty rupees
230	(2) and (4)	Non-compliance with requisition for drainage of undrained premises.	Not less than hundred rupees and not more than five hundred rupees.
231	...	Erection of new premises without drains	One thousand rupees
232	...	Non-compliance with requisition for maintenance or drainage works for any group or block of premises.	One hundred rupees.
233	...	Non-compliance with direction to close or limit the use of private drains in certain cases.	Fifty rupees
234	...	Non-compliance with Commissioner's orders regarding the use of a drain by a person other than the owner thereof.	Fifty rupees
235	...	Non-compliance with requisition for keeping sewage and rain water drains distinct.	Fifty rupees
236	...	Non-compliance with requisition for the payment of court-yard etc.	Fifty rupees

(1)		(2)	(3)
238	...	Connection with sewers without written permission.	Two hundred rupees
241	(4)	Non-compliance with requisition to close, remove or divert pipe or drain.	Fifty rupees
245	(1)	Execution of work by a person other than a licensed plumber.	Two hundred rupees
245	(2) read with section 223.	Failure to furnish when required name of licensed plumber employed.	One hundred rupees.
245	(2) read with section 223	Licensed plumbers not to demand more more than the charges prescribed.	One hundred rupees
245	(2) read with section 223(2).	Licensed plumbers not to contravene regulations or execute work carelessly or negligently, etc.	One hundred rupees.
246	...	Prohibition of wilful or neglectful acts relating to sewage works	One hundred rupees.
247	...	Failure to maintain house-drains, etc. in conformity with bye-laws.	Fifty rupees
251	(2)	Keeping of public privy without licence	Fifty rupees
	(3)	Allowing public privy to be in un-clean condition or improper order.	Fifty rupees
252	...	Failure to comply with requisition to provide privy or to remove privy to another site and failure to keep privies clean and in proper order.	Fifty rupees
253	...	Failure to provide privies for premises used by large numbers of people or to keep them clean and in proper order.	One hundred rupees

(1)		(2)	(3)
254	...	Failure to comply with requisition to provide privies for market, cattle shed or cart-stand or to keep them clean and in proper order.	One hundred rupees
255	...	Failure to construct privies so as to screen persons using them from view.	Twenty rupees.
257	...	Making connection with mains without permission.	Two hundred rupees.
261	(1)	Failure to comply with direction to collect rubbish and filth and deposit them in public receptacle.	Ten rupees
261	(2)	Failure of occupier to comply with direction to collect rubbish and filth and deposit them in a box or basket or other receptable of his own at or near premises.	Ten rupees
262	(b)	Failure to comply with direction to collect and remove rubbish and filth accumulating on business premises.	Ten rupees
268	(1)	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours.	Twenty rupees
	(2)	Irregular deposit of rubbish or filth ...	Ten rupees
	(3)	Depositing carcases of animals rubbish or filth in improper places.	Twenty rupees.
	(4)	Keeping rubbish or filfh for more than twenty-four hours, etc.	Ten rupees
	(5)	Allowing filth to flow in streets ...	Twenty rupees
277	...	Building within street alignment or building line without permission.	One thousand rupees

(1)		(2)	(3)
278	(1)	Failure to comply with orders to set back buildings.	Five hundred rupees
283	...	Unlawful displacement etc. of pavement or fences, posts and other materials of public street.	Fifty rupees
285	...	Failure to provide streets or roads on building sites prior to disposal	Two hundred rupees
286	...	Unlawful making or laying of new street	Five hundred rupees
288	...	Failure to comply with requisition to metal, etc., private street	One hundred rupees
290	...	Building wall or erecting fence, etc., in a street or any public place vested in the control of the corporation.	One hundred rupees
291	...	Allowing doors, groundfloor windows, etc., to open outwards without licence or contrary to notice.	Twenty rupees.
292	...	Failure to remove permanent encroachment.	Two hundred rupees
293	...	Failure to remove temporary encroachment.	Fifty rupees
295	...	Unlawful removal of bar, or storing of timber etc., or removal or extinction of light.	Fifty rupees
296	(1)	Unlawful making of hole or placing of obstruction in street.	Fifty rupees
	(3)	Failure to remove obstruction ...	Fifty rupees

(1)		(2)	(3)
297	...	Construction, etc., of building without licence where street or foot-way is likely to be obstructed.	Fifty rupees.
297	...	Failure to fence, etc., such building while under repair.	Fifty rupees
298	(3)	Unlawful destruction, etc., of number of building.	Twenty rupees.
299	(2)	Unlawful destruction, etc., of number of building.	Twenty rupees
299	(3)	Failure to replace number when required to do so.	Twenty rupee
301	(5)	Construction or reconstructing buildings contrary to declaration issued by corporation.	Two hundred rupees.
302	(1)	Failure to comply with requisition to round or splay off buildings at corners of streets.	One hundred rupees.
303	...	Construction, reconstruction or retention of external roof, etc., with inflammable materials.	Fifty rupees
315	(1)	Failure to send notice to Commissioner after completion of construction or reconstruction of building.	Fifty rupees
324	...	Failure to keep external wall of premises in proper repair.	Twenty rupee
327	..	Failure to comply with requisition to take down, repair or secure dangerous structure.	Five hundred rupees.

(1)		(2)	(3)
328	..	Failure to comply with requisition to secure, lop or cut down dangerous trees.	Fifty rupees
329	..	Failure to comply with requisition to repair, etc., tank or other place dangerous to passers by or persons living in neighbourhood.	Fifty rupees
330	..	Failure to comply with notice regarding precautions against fire.	One hundred rupees
331	(1)	Constructing well, etc., without permission.	Fifty rupees
	(3)	Failure to comply with notice to fill up or demolish well, etc.	Fifty rupees
332	..	Failure to comply with requisition to stop dangerous quarrying.	One hundred rupees
333	(1)	Failure to comply with requisition to fill up, etc., tank or well, or drain off water, etc.	Fifty rupees
	(3)	Cultivating contrary to prohibitions or regulations.	Five hundred rupees
334	..	Failure to comply with requisition to cleanse or close, etc., tanks, well or other source of water used for drinking, bathing or washing clothes.	Fifty rupees
336	..	Defiling water in tanks, etc.	Fifty rupees
337	..	Failure to comply with requisition to enclose, clear or cleanse untenanted premises.	Fifty rupees

(1)		(2)	(3)
338	.	Failure to comply with requisition to clear or cleanse, etc., building or land in filthy state or overgrown with any thick or noxious vegetation.	Fifty rupees
339	..	Failure to comply with requisition to abate nuisance caused or likely to be caused by dumping, etc., of coal ashes, etc.	One hundred rupees.
340	.	Failure to comply with requisition to fence building or land or trim, prune or cut edges and trees or lower an enclosing wall.	Fifty rupees
341	..	Failure to comply with requisition to lime-wash or otherwise cleanse building.	Fifty rupees
342	..	Failure to comply with requisition to execute work or take other action with respect to insanitary build-	One hundred rupees in the case of masonry building, and fifty rupees in the case hut.
343	(2)	Using or allowing the use of buildings unfit for human habitation after prohibition.	Twenty rupees for each day.
	(4)	Failure to comply with requisition to demolish the same.	Twenty rupees per day.

(1)		(2)	(3)
344	(1)	Allowing overcrowding in building after order to abate the same.	Twenty rupees per day.
	(4)	Failure to comply with requisition to vacate overcrowded building or room	Twenty rupees per day.
348	(1)	Keeping a lodging house, eating house, tea shop, etc., without licence or contrary the licence.	One hundred rupees
349	(a)	Unlawful keeping of pigs ..	Twenty rupees.
	(b)	Unlawful keeping of animals so as to be a nuisance or danger	Twenty rupees.
	(c)	Feeding of animals on filth ..	Twenty rupees.
351	..	Use of place as stable, cattle shed, etc., without licence or contrary to licence.	Fifty rupees
352	..	Construction, or maintenance of stable, cattle shed, etc., contrary to Act or subsidiary legislation.	Fifty rupees
354	—	Using a public place or the sides a public street as a cart-stand, etc.	Twenty rupees
356	(1)	Opening or keeping open a new private cart-stand without licence or contrary to licence.	Two hundred rupees.
357	—	Failure to remove carcasses of animals..	Twenty rupees
358	(1)	Using a place for any of the purposes specified in Schedule XI without licence or contrary to licence.	Two hundred rupees.

(1)		(2)	(3)
359	(1), (2) and (3)	Unlawful erection of factory, workshop, workplace or machinery.	One thousand rupees.
	(5)	Disobedience of order regarding chimneys.	Five hundred
360	(1)	Disobedience of order regarding abatement of nuisance.	One hundred rupees.
360	[2)	Disobedience of order prohibiting the working of the factory, etc., or the use of particular kind of fuel.	Two hundred rupees.
362	..	Failure to comply with requisition to put factory, etc., in order to abate overcrowding, etc.	One hundred rupees
363	..	Disobedience of order regarding abatement of nuisance or danger to life, etc.	One hundred rupees
368	(2)	Washing of clothes by washerman at unauthorised places.	Twenty rupees
370	..	Use of place as slaughter house without licence or contrary to licence.	Fifty rupees
372	.	Slaughter of animals for sale or food or skinning or cutting up carcasses without licence or contrary to licence or drying skin so as to cause nuisance.	Twenty rupees for every animal, carcasses or skin.
375	..	Sale or exposure for sale in public market of animal or article without permission or contrary to permission.	Fifty rupees
376	(2)	Opening private market without licence or contrary to licence.	One hundred rupees.
377	.	Keeping open private market without licence or contrary to licence.	One hundred rupees.

(1)		(2)	(3)
380	..	Sale or exposure for sale of animal or articles in unlicenced private market.	Twenty rupees
381	..	Failure to comply with direction to construct approaches, drains, etc., to private markets or to pave them etc.	Fifty rupees
382	(2)	Opening, or keeping open of private market after suspension or refusal of licence for default to carry out works.	Fifty rupees
383	..	Breach of market regulations	Ten rupees
385	..	Failure of person incharge of markets to expel persons suffering from leprosy or other infectious or contagious disease.	Fifty rupees.
386	..	Carrying on butcher's fishmonger's or poulterer's trade without licence, etc	Ten rupees
387	..	Sale or exposure for sale of animal or article in public streets.	Twenty rupees
391	..	Preventing the commissioner or any person authorised by him from exercising his power of entry, etc., under section 390.	Fifty rupees
393		Removing or in any way interfering with an animal or article secured under section 392.	Five hundred rupees.
397		Opening, etc., without licence a place for the disposal of the dead.	One hundred rupees

(1)		(2)	(3)
399	(4)	Use or allowance of use of unlicenced burial or burning ground.	Five rupees.
		Use of allowance of use of unregistered burial or burning ground.	One hundred Rupees.
400	..	Failure to give information of burials or burnings in burial or burning ground.	Twenty rupees.
401	..	Construction of vault or grave for burial for corpse in place of public worship.	Five hundred rupees.
402	(3)	Burial or burning in place after prohibition.	Two hundred rupees.
403	..	Burial or burning etc., of corpses ..	Fifty rupees
405	..	Discharge of office of grave digger or attendant at place for disposal of dead without licence.	Twenty rupees.
407	..	Failure of Medical Practitioner or owner or occupier to give information of existence of dangerous disease in private or public dwelling.	Fifty rupees.
411	..	Failure to comply with requisition to cleanse or disinfect building or article.	Fifty rupees.
413	(2)	Washing of infected articles at unauthorised places.	Fifty rupees.
414	..	Giving lending etc., of infected articles	Fifty rupees.
415	..	Infected person carrying on occupation.	Fifty rupees
416	(1)	Entry of infected person into public conveyance without notifying fact of infection.	Fifty rupees

(1)		(2)	(3)
417	(1)	Failure to disinfect public conveyance, etc.	Fifty rupees
	(2)	Using before obtaining certificates from Health Officer a public conveyance in which an infected person travelled.	Fifty rupees
418	..	Letting or sub-letting of infected building without certificate from the Health Officer.	Two hundred rupees.
419	..	Failure to close place of public entertainment.	Two hundred rupees.
420	..	Sending infected child to school ..	Fifty rupees
421	..	Use or permitting the use of book from public or circulating library by infected person.	Fifty rupees.
422	..	Using water after prohibition ..	Fifty rupees.
424	.	Failure to give information of smallpox.	Fifty rupees
425	..	Entering city within forty days of innoculation for small pox without certificate.	One hundred rupees.
435	(3)	Prevention of inspection of copies of rules and byelaws publicly exhibited.	Fifty rupees
	(4)	Destruction, etc., of board exhibiting printed copies of bye-laws and rules.	Fifty rupees.
448	(7)	Failure to produce licence on request	Ten rupees.
452		Failure to comply with requisition to attend, produce document or give evidence.	One hundred rupees.
462	(1)	Failure of occupier to comply with requisition to permit owner to comply with provisions of Act.	Fifty rupees for each day

(1)	(2)	(3)
464 ..	Preventing the commissioner or any person authorised by him from exercising his powers of entry, etc.	Fifty rupees.
499 ..	Obstructing or molesting corporation, standing committee, may or, etc.	Two hundred rupees.
500 ..	Removing mark set up for indicating level, etc.	Two rupees.
501 ..	Removal, etc., of notice exhibited by or under order of the corporation or commissioner.	Fifty rupees
502 ..	Unlawful removal of earth, sand or other material on land vested in the corporation or deposit of matter or encroachment in or water courses.	Fifty rupees.

SCHEDULE XIII

Penalties for continuing breaches

(*See* section 436)

Section or rule	*Sub section or clause*	*Subject*	*Fine which may be imposed*
(1)		(2)	(3)
194		Failure to maintain house connections in conformity with bye-laws.	Five rupees
198		Use for non-domestic purposes of water supplied for domestic purposes.	Five rupees
196 (2) and (3)		Failure to comply with requisition to make house-connection.	Five rupees
216	(1)	Laying of water pipes, etc. in a position where pipes may be injured or water therein polluted.	Five rupees
	(2)	Construction of privies etc., in a position where pipes may be injured or water therein polluted.	One hundred rupees
228		Injury to, or interference with the free flow of contents of corporation sewers or drains or sewers communicating with corporation sewers.	Fifty rupees
229	(2)	Private drains not to be converted with corporation sewers without notice.	Five rupees
230		Non-compliance with requisition for drainage of undrained premises.	Twenty-five rupees.
238		Connection with sewers without written permission.	Fifty rupees

(1)		(2)	(3)
241	(4)	Non-compliance with requisition to close remove or divert a pipe or drain.	Five rupees.
247	..	Failure to maintain house drains, etc., in conformity with bye-laws.	Ten rupees
251	(2)	Keeping of public privy without licence	Ten rupees
251	(3)	Allowing public privy to be in an unclean condition or improper order.	Ten rupees
252	..	Failure to comply with requisition to provide privy or to remove privy to another site and failure to keep privies clean and in proper order.	Ten rupees
253	.	Failure to provide privies for premises used by large number of people or to keep them clean and in proper order.	Twenty rupees.
254	..	Failure to comply with requisition to provide privies for market, cattle stand or cart-stand or to keep them clean and in proper order.	Twenty rupees.
268	(1) and 4	Allowing rubbish or filth to accumulate on premises for more than twenty four hours.	Ten rupees
277	.	Building within street alignment or building line without permission.	One hundred rupees.
292	..	Failure to remove permanent encroachment.	Ten rupees
293	..	Failure to remove temporary encroachment.	Five rupees
96	(1)	Unlawful making of hole or placing of obstruction in street.	Ten rupees

(1)		(2)	(3)
297	..	Construction, etc., of building without licence where street or footway is likely to be obstructed.	Ten rupees
302	(1)	Failure to comply with requisition to round or splay off buildings at corners of streets.	Fifty rupees
303	..	Construction, reconstruction or retention of external roof, etc., with inflammable materials.	Ten rupees
324	..	Failure to keep external wall of premises in proper repair.	Ten rupees
329	..	Failure to comply with requisition to repair etc., tank or other place dangerous to passers-by or persons living in neighbourhood	Ten rupees
330	..	Failure to comply with notice regarding precautions against fire.	Ten rupees
332	..	Failure to comply with requisition to stop dangerous quarrying.	Ten rupees
333	..	Failure to comply with requisition to fill up, etc., tank or well or drain off water etc.	Ten rupees
334	..	Failure to comply with requisition to cleanse or close, etc., tank, well etc., or other source of water used for drinking, bathing or washing clothes.	Ten rupees
337	..	Failure to comply with requisition to enclose, clear or cleanse untenanted premises.	Ten rupees
338	..	Failure to comply with requisition to clear or cleanse, etc., building or land in filthy state or overgrown with any thick or noxious vegetation.	Ten rupees

(1)		(2)	(3)
339	..	Failure to comply with requisition to abate nuisance caused or likely to be caused by dumping, etc., of coal ashes, etc.	Twenty rupees
340	..	Failure to comply with requisition to fence building or land, or trim, prune, or cut hedges and trees or lower an enclosing wall.	Ten rupees
341	..	Failure to comply with requisition to lime-wash or otherwise cleanse building.	Ten rupees
342	..	Failure to comply with requisition to execute work or take other action with respect to insanitary buildings.	Ten rupees in the case of masonry buildings and five rupees in the case of huts
348	(1)	Keeping a lodging house, eating house, tea shop, etc., without licence or contrary to licence.	One hundred rupees
349	(*a*)	Unlawful keeping of pigs ...	Five rupees
	(*b*)	Unlawful keeping of animal so as to be a nuisance or danger.	Five rupees
351	...	Use of place as stable, cattle-shed, etc., without licence or contrary to licence.	Ten rupees
352	...	Construction or maintenance of stable, cattle-shed, etc., contrary to Act or Subsidiary Legislation.	Ten rupees
354	...	Using a public place or the sides of public street as a cart-stand, etc.	Two hundred rupees.
356	...	Opening or Keeping open a new private cart-stand without licence or contrary to licence.	Twenty rupees.

(1)		(2)	(3)
357	...	Failure to remove carcass of animal ...	Five rupees
358	(1)	Using a place for any of the purposes specified in Schedule XI without licence or contrary to licence.	Fifty rupees
359	(1), (2) and (3)	Unlawful erection of factory, workshop, workplace or machinary.	One hundred rupees.
	(5)	Disobedience of order regarding chimneys	Fifty rupees
365	(1)	Disobedience of order regarding abatement of nuisance.	One hundred rupees
360	(2)	Disobedience of order prohibiting the working of the factory, etc., or the use of particular kind of fuel.	Two hundred rupees.
362	...	Failure to comply with requisition to put factory, etc., in order to abate overcrowding, etc.	One hundred rupees.
363	...	Disobedience of order regarding abatement of nuisance or danger to life, etc.	One hundred rupees.
370	...	Use of palce as slaughter house without licence or contrary to licence.	Fifty rupees
376	..	Opening private market without licence or contrary to licence.	One hundred rupees.
377	...	Keeping open private market without licence or contrary to licence.	One hundred rupees.
383	...	Breach of market regulations ...	Ten rupees
385	...	Failure of person incharge of markets to expel persons suffering from leprosy or other infectious or contagious disease.	Fifty rupees
386	...	Carrying on butcher's fishmonger's or poulter's trade without licence etc.	Ten rupees

(1)		(2)	(3)
387	..	Opening, etc,, without licence a place for the disposal of the dead.	One hundred rupees.
411	...	Failure to comply with requisition to cleanse or disinfect building or article.	Ten rupees
415	...	Infected person carrying on occupation	Fifty rupees
419	...	Failure to close place of public entertainment.	One hundred rupees.
422	...	Using water after prohibition ...	Fifty rupees

Printed by the Director of Printing, Sty. & Publications at the Govt Press, B'lore

2.A.—25